have made yesterday. Thousands of people who have been arrested in Tamil Nadu and in different parts of the country should be released unconditionally because every institution of India has got a right to express their protest. Thank you.

THE DEPUTY CHAIRMAN: Shri Buta Singh.

SHRI BUTA SINGH: Madam Deputy Chairman, the Opposition leaders have raised the question and made allegations. I refute every allegation that they have made... (*Interruptions*).

SHRI DIPEN GHOSH: What allegation you refute? (*Interruptions*).

उपसभापति : आप पहले सुन तो लीजिये ।

SHRI VISHWANATH PRATAP SINGH: Madam, the hon. Home Minister says he has no...

SHRI PARVATHANENI UPENDRA: He has done everything.

SHRI BUTA SINGH: In the absence of the facts before me all that I can say... (*Interruptions*)...

SHRI DIPEN GHOSH: How can you say "I refute every allegation"?

SHRI BUTA SINGH: Yes, I refute all the allegations, insinuations and charges made by the Opposition leaders. Since this bandh is a total flop in the city of Delhi and in the country... (*Interruptions*)...

SHRI DIPEN GHOSH: Your official media....

SHRI BUTA SINGH: In deference to your desire, I will collect the information and come to this House and present before the House whatever information I have.

THE CONSTITUTION (FIFTY-NINTH AMENDMENT) BILL, 1988—*contd.*

THE DEPUTY CHAIRMAN: Now, we will take up the Constitution (Fifty-Ninth Amendment) Bill, 1988. Mr. Aurora.

SARDAR JAGJIT SINGH AURORA: Madam Deputy Chairperson, I will continue my speech which I started yesterday, and I would like to repeat that I oppose the Bill. In July, 1986 when I had the honour to address the August House for the first time the subject was "Situation in Punjab". I had said then that you have to win the battle of the mind and bullets will not succeed. But the Government has paid no attention to it. With single-minded determination it has followed this course of suppression without any let-up. When Barnala Government could not carry out this unimaginative suppressive policy to the satisfaction of the Centre it was over-thrown and President's rule was reimposed. Now that President's rule has also miserably failed, a recourse to emergency is being sought. In spite of the fact that your proven instrument of oppression Governor Ray and super cop Ribeiro have practically accepted defeat and they say that it is not possible because it is not a law and order problem it is more a political problem, you have decided to take recourse to the ultimate step of State terrorism. The Government is wearing blinkers. It refuses to see what is apparent to the whole of India that is incompetence to comprehend the true nature of the problem is the cause of its failure and not any chinks or loopholes in the 22 or 23 suppressive measures that it has already passed. More than the lack of proper appreciation of the problem, it has the lack of honesty and immorality in the governance which has cost the Government its credibility. It has proved that it cannot be trusted. It has failed to fulfil its promises. It has failed to punish the guilty. It has shown no respect for the law of the land which is its responsibility to uphold.

Today thousands of people are incarcerated in jails under false pretences and without trial. What is more, its law keeping forces are thoroughly corrupt and lack courage of sense of discipline. Last week when there was a glimer of political initiative, I welcomed it in spite of the rather odd manner in which this initiative was taken when the previous ones with much more chances of success had been jettisoned. I had said then that

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any political initiative was welcome so long as the Government was sincere to solve the political problem in a political manner. But I am sorry to say that sincerity was a big question mark and I am even sorry to add now that any doubt I had has been removed and the lack of sincerity is completely exposed. As usual, it turned out to be a gimmick or maybe, there is no firm policy and the Government is working on *adhocism*. It certainly is most reluctant to discuss it, any solution that they have, with the Opposition. I cannot say if it is discussed within the party or the Cabinet before hand to gauge the impact of the political initiative on public. The Home Minister administered it a death blow by bringing in this new amendment Bill. He is in a tearing hurry to pass it. It appears that he was not either consulted or was against this initiative from the beginning in releasing the Head Priests and 40 detenus from Jodhpur jail.

THE DEPUTY CHAIRMAN: Please conclude now.

SHRI DIPEN GHOSH: He must be allowed to speak. (*Interruption*)

SARDAR JAGJIT SINGH AURORA: I have a lot to say. He has certainly scuttled it unceremoniously through the press and that is surprising again. If there is no unanimity amongst the policy makers, there is bound to be confusion which does exist. Another point I would like to stress is the psychological attitude of the Government towards the Punjab problem. The other day, the hon. Minister of State for Home Affairs, Shri Chidambaram emphatically stated that we are at war with the terrorists. You do not go to war against your own people. You discipline them by persuasion, if necessary by punishment but not by bumping them off without trial. Even during war, we have the Geneva convention for the proper treatment of the prisoners of war which seems to be missing in this case.

I wonder if the Government is either capable or willing to do an honest introspection to see why success has eluded it. It has failed not because it did not have sufficient legal authority but it failed, and will fail again, because it has lost the moral authority to govern. It is incapable of differentiating between right and wrong. Immediate expediency overrides long-term national gains or moral standards. The moral authority was wounded when the attack on the Golden Temple was mounted in June 1984. It was lost when the November 1984 carnage took place in Delhi and elsewhere in the country. But no one is punished so far. It only proved the Government's guilt. Since then, many other suppressive and unjust measures have aggravated the situation. I wonder how many of you remember the Brahmpura incident where a post of CRPF mishandled and misbehaved, with the entire village population, specially the women, under somewhat bizarre circumstances. Governor Ray who visited the village soon after was greatly upset. He told me so personally. The Punjab Government was not permitted to take disciplinary action. I followed up the case. I was first told that the post commander had been suspended and an enquiry was in progress. After nearly a year—I have got this paper with me—I have been given the latest information stating that nothing serious has been found against the post commander, but a departmental action is being taken against a lance naik, if you please. When there is a visible proof of a woman having been molested, I would have been horrified and taken the strictest possible action against my troops if such a thing had happened in Bangladesh, and taht was during war, you cannot turn a blind eye when the law enforcing authorities or personnel run amuck.

Turning to the future, I am still at a loss to understand why this half-hearted initiative of releasing the head priests and forty detenus was taken. I would like the Hon. Home Minister to please clarify what the Government hopes to achieve by it. Is it still on or has it been decided to nip it in the bud as he did not like it in the first instance? I am sure if he was serious and hopeful, he would not

have posed the threat of this emergency Bill before even the new jathedar was firmly in his seat, leave alone establishing his moral and religious authority over the militants.

THE DEPUTY CHAIRMAN: Please, conclude now.

SARDAR JAGJIT SINGH AURORA: Madam, I have got a lot to say. When the Democles' sword of emergenry is hanging over the heads of the militants, how do you expect them to accept your good intentions? The general public has reacted to it most unfavourably. It has created an atmosphere of foreboding and doom. When will the Government stop gimmickry and start doing something constructive, honest and forthright? I consider this move diabolical and wicked. You are doing everything to make your so-called initiative fail and later blame not just the militants but the entire Sikh community hoping hereby to play the Sikh card once again during the next election. You have always blamed others for your blunders and shortcomings. (*time-bell rings*) Now, Madam, I would like to know, since you have issued an amendment which concerns only Punjab, whether I can speak on it...

THE DEPUTY CHAIRMAN: You can speak on it; it has been circulated although the amendment has not been moved as yet.

SARDAR JAGJIT SINGH AURORA: I would like to have a chance to speak on it. Well, Madam, I feel with this amendment to the Amendment Bill the Government has identified the Jews of India. Your tactics seems to be totally Hitlerian. But I would like to warn the public in general that there are others who may suffer the same fact. Therefore, when they say that they are only restricting it to the Punjab this time, please do not get away with the idea that you will not be a sufferer one of these days and, may be, that may come very soon. One thing I have not been able to understand. What is this internal disturbance? Could you please define it? How does it differ from open rebellion? I think you want the people to cooperate with you, with the Government to fight against the terrorists. Why have you failed to get their cooperation so far? Do you expect them to cooperate with you when their right to life and liberty has been taken away? Do you expect them to cooperate with you when you have not only failed but deliberately worked against punishing the guilty, the guilty who had committed the most heinous crimes, the guilty who were responsible for this great carnage, the guilty who were organised by the Congress Party...

SHRI SAT PAUL MITTAL (Punjab): Wrong, absolutely wrong.

SARDAR JAGJIT SINGH AURORA: This has come out quite clearly in the Mishra Commission...

SHRI SAT PAUL MITTAL: No.

SARDAR JAGJIT SINGH AURORA: I would like to know what has happened about the panels that were constituted by the Mishra Commission. So far nothing has been made public. Why is the Government sleeping on it?

Now you have decided to limit the imposition of emergency to Punjab only. According to the oft repeated announcement of the Governor of Punjab and others not more than 2 per cent Sikhs of Punjab want Khalistan. According to the super cop, Ribeiro, there are only a few hardened terrorists. You have already killed nearly 300 in the last few months. If that is the situation, I cannot understand why there is need to have this amendment to impose emergency. If you lacked the resources or you lacked able commanders, then one might have said, 'improve them'. But as I have said earlier on, you have these two in whom you have the greatest faith. Then, what is the reason that you want the innocent people to suffer? If the courts release innocent people on bail because they are falsely implicated by the

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Police authorities, you produce this as an excuse for your failure. You wished to expose the entire population of Punjab to the machinations of the corrupt police forces who, unfettered by any rules or law, are going to play havoc with the general public. Do you really think, do you honestly believe, that it is going to assuage their feelings and you will get their co-operation after the declaration of Emergency? It is beyond my comprehension; I do not know about the Government's imagination.

THE DEPUTY CHAIRMAN: Please conclude now.

SARDAR JAGJIT SINGH AURORA: One minute, Madam. I will say again that if you were sincere and honest, you would have by now realised and you would have by now released all the Jodhpur detenus and started some kind of action against the guilty of the November 1984 carnage. You would be thinking of a general amnesty and not of a draconian measure to create greater terror and mayhem in Punjab. You cannot bring about peace by killing and frightening people into submission. You create more terrorists and more traitors. You may or may not win the next election by such misleading and misguided means. But, I warn you, you will certainly bring greater suffering not only to Punjab, but also to this entire striferidden country.

I appeal to all the Members of this August House to stand up for justice, fair-play and respect for civil liberties. In spite of the amendments, I would like to say that this Bill is the thin end of the wedge. It is the beginning of the end of democracy in this country and it is your sacred duty not to allow this Bill to be passed. Thank you.

THE DEPUTY CHAIRMAN: Now, the honourable Minister, Mr. Chidambaram.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Madam Deputy Chairman,

THE DEPUTY CHAIRMAN: Please try to be brief.

SHRI P. CHIDAMBARAM: Madam, certain apprehensions were raised yesterday regarding the scope of the Constitution (Fifty-ninth Amendment) Bill.

SHRI DIPEN GHOSH: Is he intervening or is he replying now?

THE DEPUTY CHAIRMAN: He is only intervening.

SHRI P. CHIDAMBARAM: Madam, may I invite the attention of the honourable Members to some clear statements in the Statement of Objects and Reasons? The Satement of Objects and Reasons categorically says, said that it may be necessary to invoke the provisions of article 352 of the Constitution to declare a partial Emergency either in the whole of the State of Punjab or in any particular districts of that State. Again, Madam, in the concluding portion of the second paragraph, the Government has stated that we intend to invoke these powers only if and when a Proclamation of Emergency on the ground of internal disturbance is issued in relation to the whole or any part of the State of Punjab. Anyone who reads this Bill fairly will come to the conclusion that in its scope, in its application, in its width and in its amplitude, it applies only to Punjab.

SARDAR JAGJIT SINGH AURORA: Poor Punjab!

SHRI P. CHIDAMBARAM: The Government concedes that there can be or there may be apprehensions in the minds of the people regarding the

Bill and they could come to a conclusion, which is quite wrong, that the Bill might be invoked to apply Emergency to parts of the country other than Punjab. We thought that these apprehensions were not warranted, were not justified. But we realised that we were speaking not only in a court of law where we had to carry only the judges of the court, but that we had to carry the honourable Members of Parliament, that we had to carry the people of this country, that we had to carry the newspapers and the media, that we had to carry people who were trained in law and those not trained in law, that we had to carry people who were acquainted with the legal language and people who were not acquainted with the legal language and that we must guard against any kind of distorted campaign throughout the country which might mislead and misguide the people. And for this reason, Madam, we have come forward with amendments which are, if I may use the legal language, by way of abundant caution only.

2.00 P.M. The opening words of the Bill make it very clear that Article 359A is only in relation to the State of Punjab. Every law has a territorial application. Article 359A has a territorial application, and in its territorial application it applies only to the State of Punjab, and the words "in relation to the State of Punjab" cut the amplitude and width which has been attributed by certain Members of the opposition to this Bill. But I have mentioned that we are concerned not so much with the courts of law, we are concerned with the people of this country; we are concerned not so much with interpretation, but we are concerned with the making of the law. Parliament is after all a body which makes law, not interprets law. If in the making of the law it is brought to our notice that there could be a genuine doubt in the minds of the people who are well-meaning people, we are willing to make it absolutely clear that the Government never had, and does not have, any intention of applying Article 359A to any part of the country except Punjab. This I want to make abundantly clear.

What are the problems which have been pointed out? There are three places in the Bill in which the words used are "any part of the territory of India". Now, "any part of the territory of India" is indeed cut by the words "in relation to the State of Punjab". We do not wish to get into any argument over that. We are proposing that "any part of the territory of India" be replaced by the words "the whole or any part of the territory of Punjab"--in all the three places. The Home Minister will move an official amendment replacing the words "any part of the territory of India" by the words "the whole or any part of the territory of Punjab". This should clear everybody's doubt and everybody's apprehension. In one place the word "India" occurs. In order to make it doubly sure, trebly sure, and as an abundant caution, we are replacing the word "India" by he word "Punjab".

Madam, I submit that with this amendment there can be no apprehension in anybody's mind. But I am only reminded of what a famous Judge said about making law. And I say this with no offence meant to anyone. It is a classicpassage; everybody knows about it. I quote:

> "I have had on many occasions to draft Acts of Parliament which, although they may be easy to understand, people continually try to misunderstand, and in which, therefore, it is not enough to attain to a degree of precision which a person reading in good faith can understand, but it is necessary to attain, if possible, to a degree of precision which a person reading in bad faith cannot misunderstand. It is all the better if he cannot pretend to misunderstand it."

[Shri P. Chidambaram]

We want to clear the air. *(Interruptions)* I started by saying that you should please take it in the spirit in which it was said. It is a classic passage. We want to clear the air. We do not want a campaign to be started in the country to mislead the people that this law is being applied to anyone outside the State of Punjab.

With this, Madam, the Bill is absolutely clear now. It applies only to the State of Punjab, and I would commend this Bill for the acceptance of this honourable House.

THE DEPUTY CHAIRMAN: Mr. Jaswant Singh. You have 9 minutes, allotted to your party. Please conclude within the time allotted to your party. I do not like to disturb you in the middle. Therefore, I have tried to remind you about that in the beginning.

SHRI JASWANT SINGH (Rajasthan): Madam Deputy Chairman, I have to follow on the intervention of the hon. Minister of State for Home Affairs, who has informed us about the intended amendment to this constitution amendment legislation which we are presently considering. I have on an earlier occasion, had to comment on why we face difficulty with the Government's faith. We do not doubt your intention. But we are continuously left unconvinced because of this huge gap between your intentions and your administration ability. It is because of this gap, between what you intend to do and what you are administratively able to do, that the factor of faith comes in. The hon. Minister of State for Home Affairs, who recited a judicial passage, I have said on an earlier occasion, is an earlier occasion, is an intelligent man. Of course, he has brains But quite often his brain stend to go to his head; therefore, he misses the point altogether. Now, on 7th of August, 1978, participating in a discussion on the 45th Amendment Bill, a Member of the then opposition had this to say. That Bill, in effect, was undoing the 42nd Amendment. What the present legislation is now doing is undoing the 45th Amendment. That Member of the opposition then said:

"Mr. Deputy Speaker, Sir, it is a trite thing to say that the politician looks to the next elections and the statement looks to the next generation. Therefore, we should, on this occasion, cease to be politicians and try to be statesmen and hammer out a solution for our problems that will endure not only to the next generation but to posterity."

I am struck by a sense of irony because that Member who then participated was Mr. R. Venkataraman. As a Member of Parliament, he was then speaking on the 45th Amendment which this Government is now trying to undo by this piece of legislation. Some Members of the ruling party, when participating, spoke of Article 355 and that the 45th Amendment was a wild Act beacause it was in disarmony with Araticle 355. This House is not a legal body; it is essentially a political organ. Therefore, if I choose not to go into the legality of that debate between Article 355 and the 45th Amendment and now the 59th Amendment, it is only because I am constrained by two thoughts. One is that this is not a court of law and, that my time time is limited.

Madam,, I started by saying that I object to this provision. I object to this provision on many grounds. I object to this piece if legislation on many grounds. They arise from your philosophy of governance, your method your attitude, your intentions, your competence both political and administrative, your casual approach to the Constitution, both its spirit and its letter, your subscription to democracy, participatory form of governance and the insulting manner in which you treat this body, the Parliament, to which you owe yiur legitimacy, as if it were your hand-maiden. My objections also arise from the manner in which this Bill has been brought forward. On Friday afternoon, you attempt to introduce it and that tale has been told. Yeserday's account also is now in the past. Today we have witnessed how you have gone about you requesting a discussion lasting two days, on a constitutional amendment,

which has caused so much turmoil. That this Bill was brought forward without sufficient thought is best exemplified by the manner in which the Vice-President of India has been treated. An official delegation, which he is leading, goes abroad and because you have come forward with this Bill with insufficient thought, you abandon the Vice-President of India, in a foreign country, and you call back all your Members of Parliament merely because you have to pass this Bill here.

SHRI LAL K. ADVANI (Madhya Pradesh): They had to come via Frankfurt.

SHRI JASWANT SINGH: If I went into the explanation of this long route that these Members of Parliament took flying from Mauritius to Dar-es-Sallam and Frankfurt, it will take only my time and it will only underline the insult that has been heaped upon the Vice-President of India merely because this Government is unable to think out on even as important a measure as a constitutional amendment. Madam, my difficulty is the manner in which you have brought about this piece of legislation. There is a continuing tale from the imposition of the President's rule to what you describe as the consequence of the President's rule and thereafter a long list of 23 or 24 legislations which have been brought about only in the case of Punjab. Which is that power that you need and that you do not have at present? All the power that you need is already with you under Article 249. This House gave you that power and ever since that power has been given to you, that power has remained unutilised. When you imposed virtual undeclared emergency-cum-martial law in the Punjab in the period preceding 'Operation Blue Star', there was then no Constitutional amendment; you had not invoked Article 249; and yet there was total censorship of a kind that has not been witnessed in India either before or ever afterwards. You engaged in 'Operation Woodrose'. Either you engaged in that illegally without due authorisation or you had that authority; when you wanted to act you had the power and, therefore, this is a power that you no longer need this is a hoax. That is my difficulty, Madam. Fifthly, I oppose because this Government specialises in a proliferation of laws, because this Government exemplifies a slow, almost inevitabile descent of the State of Punjab into a near situation of irretrievable tragedy also because of this tendency to arm the State with more and more paper power, wihout having either the will or the ability to employ that power. And then you say, "Believe us, we will employ that power judiciously, and if Punjab is in the difficulties that it is *today,, it is because we have insufficient* power". You take from Parliament an Act against torrorism and disruptive activities. Whom do you arrest under that Act? In Gujarat you arrest women as terrorists. What do you do after TADA? In Punjab today there are accounts of Hindus having to leave rural Punjab and move out because there is an absence of security. Despite all this power,, you have not had sufficient ability, political will and compentence. I certainly am not going to willingly give you power of declaring emergency even in one State of the Union. I certainly do not want to give it you because by declaring it in Punjab you only highlight the targedy of Punjab, your incompetence when it comes to Punjab. I object also, Madam, to the political pettiness in as important a measure as the Constitutional amendment. It is today 15th of March. 10th of May when the Presidential declaration expires is almost 60 days away. You are still hustling in an amendment to the Constitution, choosing the date. not with Punjab in mind, or the travails and pains of the people of Punjab in mind, but you have chosen this date on account of the petty considerations of the fluctuation of your legislative strength...

SOME HON. MEMBERS: Shame, shame.

SHRI JASWANT SINGH: . . . Just as you dissolved the Punjab Assembly, not because you thought that dissolution of the Punjab

[Shri Jaswant Singh]

Assembly was then a necessary step to bring about peace and tranquillity in Punjab, but because, the name and shadow of Simranjit Singh Mann haunts you. I object, Madam, and shall continue to object any measure, anywhere, at any time that takes away from my citizens, citizens of my country, the rights enshrined under Article 19 and under Article 21.. I would request the hon. Minister to reflect that even if you limit 359A to Punjab, read it in conjunction with what it does after the consequential effect on Article 353, Article 353 which says:

> "Provided that where a proclamation of emergency is in operation only in a part of the territory of India,—(i) the executive power of the Union to give directions under clause (a), and (ii) the power of Parliament to make laws under clause (b), shall also extend to any State other than a State in which or in any part of which the proclamation of emergency is in operation ..."

You take away article 19 and article 21 in Punjab; You then take it away throughout the country. If newspapers tomorrow, after you have so proclaimed, with to report anything about Punjab, not just within Punjab but outside Punjab, you will forbid it by law. It is an eye-wash therefore to say that you have brought about this piece of amendment and thereafter it is now limited only to Punjab. I will conclude, Madam. This is a very necessary harmonisation which is necessary. It requires elaboration. Time does not permit me. I am not willing to give you this power, because you seek it in the name of unity and integrity of my country, yet your misconduct and misgovernance is the principal obstacle today to the unity and integrity of my country, I cannot therefore, give you this power.

Madam, it will take me half a minute to conclude by quoting from a debate on the 12th August, 1986. I had then participated and I had then mentioned to the hon. Minister for Home, when he came forward for certain power under article 249, and I said from here. After you have taken these powers where do you? I then also, "I would caution the Government that this is the end of the road. You cannot hereafter come forward before the House and say that you need yet more powers. You must now deliver the goods, because if you fail to deliver the goods what is at stake is not your Government or our Government. It is not you or us, who are involved, it is the unity of India that is involved." That was in August 1986. You have failed to deliver the goods. You cannot now come forward to us and ask *for more powers, that you do not even* know how to use. Thank you.

THE DEPUTY CHAIMAN: Shri S. P. Malaviya—absent. Smt. Bijoya Chakravarty. Now the remaining Member will get only three minutes each.

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Madam Deputy Chairman, I oppose the Bill. Madam, the President's rule has been imposed in Punjab and all powers are exercised by him now. This shows that the people of Punjab have got no faith in the administration of Punjab. That is why the people of Punjab are not co-operating. Secondly, Madam, why I oppose this Bill is because all the people of Punjab are not terrorists. But the imposition of this Bill will create more explosive situation in Punjab. And this black Bill which is going to be imposed on Punjab will simply give more powers to suppress the people of Punjab. And instead of easing the situation, the situation in Punjab will simply aggravate. In 1975, there was emergency. In 1983 I have seen emergency in Assam also. And all this emergency will simply create a more terrible situation for the people. Thirdly, I want to ask you one question. If the emergency backlashes, what strategy our hon. Home Minister would carry out in Punjab. I oppose this Bill because I know the horrifying conditions that emergency creates. Emergency means that a reign of terror is let loose on the innocent people because military and police have all the powers and they can create miserable conditions for the people, as they

like. And this might happen in Punjab because there will be a blanket of secrecy thrown around Punjab. No word will come out of Punjab during the emergency. Rest of the people have nomeans to know what is happening in Punjab. Madam, I oppose this Bill also because it is draconian in nature and will embitter the people of Punjab all the more. Already hundreds of people are in the jail languishing in jails. This measure will simply sow more distrust and more disbelief and demoralise the people completely. This measure will also provoke people to resort to more violence. By this move to impose emergency in Punjab the Government is going to convert the entire Punjab into a prison. All people of Punjab are not terrorists. All people are not senseless. Else we have not seen the spirit of sacrifice in remote villages of Punjab when they stood firmly facing the bullets of the terrorists. Instead of taking suppressive measure, the Government should try to find out the issue and nothing should be done which will embitter the people of Punjab more. It is the love that can win a battle, not a wielding sword. I appeal to the Minister to withdraw the Bill and I urge upon the good sense of the hon. Minister to try to solve the Punjab problem by showing a political will. Thank you.

THE DEPUTY CHAIRMAN: Mr. Satya Prakash Malaviya. You were not present; even then I am allowing you now.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): माननीय उपसभापति महोदया, यह जो संशोधन विधेयक प्रस्तुत किया गया है, इसमें जो इंटर्नल डिस्टर्बेंस का शब्द जोड़ा गया है, यानि आंतरिक विद्रोह या आंतरिक गड़बड़ी इसको भी जोड़ा जा रहा है और इस प्रकार से 44वां जो संशोधन हुआ था, उस समय संविधान में शब्द था, आर्टिकल 392(1), वह इस प्रकार था :

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or extenrnal aggression or internal disturbances, he may, by proclamation make a declartion to that effect...."

इस प्रकार से जो संविधान अब पारित हो जाएगा, उसके हिसाब से सन् 1978 से पहले जो शब्द थे "ऐक्सटर्नल ऐग्रेशन" या "इंटर्नल डिस्टर्बेंस" और उसके बाद "आर्म्ड रिबैलियन" शब्द रह जाएंगे। जो आपातकाल सन् 1979 में लागू हुआ, उसकी याद हम लोगों को आज फिर आ रही है। उस समय जब हम लोग जेलों से 19 महीने बाद छूटे तो जनता पार्टी के घोषणापत्र में हमने कहा, जिसे मैं पढ़ने की इजाजत चाहूंगा, क्योंकि वह भारी चीजें आज फिर दोहराई जा रही हैं :

"The forthcoming Lok Sabha poll constitutes the most crucial election that the country has had since Independence. The choice before the electorate is clear. It is a choice between freedom and slavery, between democracy and dictatorship; between abdicating the power of the people or asserting it; between the Gandhian path and the way that has led many nations down the precipice to dictatorship, instability, military adventure and national ruin".

महोदया, यही नहीं, उस समय प्रेस की सेंसरशिप भी पारित की गई और प्रेस की सेंसरशिप लागू करके लोगों की आवाज बंद करने की कोशिश की गई। मेरे यह निवेदन है कि यह जो संशोधन आप ला रहे हैं, भले ही यह पंजाब के लिए है, लेकिन जो आपने इसमें आंतरिक गड़बड़ी शब्द रखे हैं, उनका मतलब यह है कि जो भी पार्टी शासन में हो, वह उसका दुरुपयोग कर सकती है। मैं सदन का ध्यान उस ओर भी दिलाना चाहता हूं क्योंकि इसकी चर्चा उस समय भी यहां पर की गई थी :

"The then Attorney General, Mr. Niren De had told the Supreme Court's Constitution Bench during the Emergency that there is no personal rights law for the time being and it admitted that a person could disappear from the face of the earth

[श्री सत्य प्रकाश मालवीया]

if the local officials did not like...."

मेरा निवेदन है कि वह सारी की सारी चीजे इस देश में दोहराई जा रही हैं। जब इस देश म लोकतंत्र चल रहा है, हमारे संविधान में कई तरह के कानून आपके हाथ में हैं, उनका इस्तेमाल करके ही पंजाब की समस्या का समाधान किया जा सकता है। कानून बदलकर संविधान में इस प्रकार का संशोधन करके लोगों के मौलिक अधिकारों को वंचित रखा जाए, लोगों को बिना मुकदमा चलाए जेल में रखा जाए, इस प्रकार से पंजाब की समस्या का समाधान नहीं हो सकता। हम सब चाहते हैं कि पंजाब की समस्या का समाधान हो, पंजाब की समस्या एक राष्ट्रीय समस्या है, इसका समाधान होना चाहिए। लेकिन इस तरह के निरंकुश कानूनों को लाग् करके पंजाब की समस्या का समाधान नहीं हो सकता है। इसलिए मैं अंत में आपका ध्यान आकर्षित करना चाहूंगा जो प्रेस से संबंधित बात है, उसको पढ़कर मैं अपनी बात समाप्त करना चाहूंगा। यह भी इमरजेंसी के तहत किया गया था। महोदया, इक किताब है "रेप आफ मास मोडिया", इसमें कहा गया है :

"RAPE OF MASS MEDIA: A look at contemporary history will reveal that the first casualty of any repressive action by a would-be dictator is the mass media in general and the press in particular. The former Prime Minister's actions following the Allahabad judgment and the declaration of emergency amply demonstrate that she took recourse to the draconian measures to completely muzzle the press simply to remain the Prime Minister of India."

तो मेरा निवेदन है कि सारी चीजों को दोहराए जाने की कोशिश नहीं की जानी चाहिए और लोकतांत्रिक तरीके से पंजाब की समस्या का समाधान किया जाना चाहिए। मैं गृह मंत्री जी से अनुरोध करूंगा कि जो संशोधन विधेयक उन्होंने प्रस्तुत किया है, उसको वापस लेने की कृपा करें।

SHRI CHITTA BASU (West Bengal): Madam, I am quite aware of the time limitation.

THE DEPUTY CHAIRMAN: At least you keep that promise.

SHRI CHITTA BASU: I will do that. Madam, the situation in Punjab in President's Rule has gone from bad to worse. (*Interruptions*) Political solution of the Punjab problem has miserably failed. Not only it has failed but has worsened very sharply and it is necessary for the House to make an assessment of the situation in Punjab politically. I would not explain but quote from a magazine which has politically assessed the situation now prevailing in Punjab. It says, I quote:

> "The situation is one of desensitising the revulsion against terrorist killings, and the public opinion seems to be getting reconciled to the continuing tragedy of Punjab."

This means that the people have forgotten to express the revulsion against the killing. This is a grave danger for existence of democracy in our country. Therefore, for a political solution of the Punjab tragedy there should be a coherent policy framed. My first allegation is that the Government lacks in formulating a coherent policy in that respect. If a coherent policy is to be worked out—coherent policy naturally means political strategy—it must consist of, firstly, effective administrative action for curbing terrorist activities in Punjab. The second aspect of that strategy must be the right political initiative to bring about political solution of the problem. And thirdly, grass-root mass campaigns must be there to isolate the terrorists from the broad Sikh masses. As a matter of fact, I would say that there has never been an attempt to have that coherent policy with regard to the solution of the Punjab problem. Rather, we have seen that there has been inconsistency in the pursuance of those policies that has led to the rapid deterioration of the situation.

Now this amendment to the Constitution is not a substitute. Madam, excuse me to say that it is not a substitute for such a coherent political strategy to solve the Punjab problem. It is rather an assault on the democratic rights of the people of Punjab. Madam, this amendment of the Constitution would add grease to the mill because then they will be in a position to propagate that, look, here is the Constitution of India that provides guarantee of fundamental rights to the people of the rest of the country, but here in Punjab we have been deprived of those fundamental rights of speech, expression and other aspects. Naturally, Madam, it will be adding fuel to the fire. You are providing grease to the mill machinery. It will be a dangerous thing. The other reasons I have already explained yesterday.

Therefore, Madam, on political grounds, on Constitutional grounds, on moral grounds I am opposed to this amending Bill because it is a very ominous thing for the democracy of our country. I think you will appreciate and ask the hon. Home Minister to withdraw the Bill.

THE DEPUTY CHAIRMAN: I appreciate you have kept your promise to finish your speech within the time. Yes, Mr. V. P. Singh.

SHRI P. N. SUKUL (Uttar Pradesh): On a point of order. Madam, you said that all leaders of opposition parties... (*Interruptions*). That is what I am asking.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): He has every right to speak.

SHRI VISHWANATH PRATAP SINGH (Uttar Pradesh): Madam, unattached does not mean detached. I am as much attached to the problems of the country and being a Member, it is very kind of you to have given me this opportunity.

Madam Deputy Chairman, the Statement of Objects and Reasons of this Bill is a documentation of the proof of the Government's failure and its ill-conceived solutions. If you read from the document, it says:

> "In view of the continued disturbed situation in Punjab, escalation in the activities of terrorists and anti-national forces resulting in the death of innocent men, women and children and of the fact that the Punjab State Legislative Assembly had to be dissolved because of the virtual impossibility of forming a popular Government...

No Government in history has documented its failure more patently in a Bill brought before this House. Nowhere is there, in the annals of history or record, such an admission of Government's failure.

As for giving more powers, we have given all the powers, this House has given all the powers that were asked for by the Government.

SHRI V. NARAYANASAMY (Pondicherry): You were a Minister of Cabinet rank. You address this to yourself. After all, Ministers have collective responsibility.

SHRI VISHWANATH PRATAP SINGH: Then the Member should admit that this Government is my personal property... I am talking of the whole House—the whole House from that end to this end gave the powers to deal with the issue of Punjab. It is not a question of giving more and more powers. More power to a powerless Government is nothing. Any number when multiplied by zero will always give zero. We may give all the powers. But that gets multiplied by zero. That is the problem, Madam. And if a law were to be brought, it is not this law. I think we should have a law against the incompetence of the Government. Unfortunately we do not have that. It is the final verdict of the people that will give that verdict on this. But this is what we have come to.

[Shri Vishwanath Pratap Singh]

But apart from this, Madam, it is the thrust of the solutions that are sought which, to my mind, is more a basic issue of political debate and how this Government wishes to handle this situation of Punjab. The thrust is towards more gun-powder, more bullets, more bayonets. Bullets will not generate brotherhood. This is the thrust I am more afraid of. One Draconial law, one coercive law, one coercive action has a compulsion of another coercive action and a still more coercive action. And we have a come to the final coercive action —of suspending the right to life also. That is the final thing we have come to. And still the solutions are far away because it admits it is three years on record even after taking away the right to life and liberty. In fact there is a plus point. Still the ray of hope remains with the masses, not with the Government Still in the villages of Punjab, the Hindus and Sikhs and other communities live with each other and there is no rioting by one against the atrocities of the other. There is terrorist activity, secessionist activity. We cannot deny that. But this is a plus point that is there in the psyche of the people. What have they done to develop that? What have they done to rouse the masses to conceive this? In that there is no thrust. There is thrust only for more powers. You will see this. One thing I may say. Our most able Minister, Mr. Chidambaram, is there. Mr. Jaswant Singh spoke about brains. It is all right. There should be a law which should not by itself by faith be allowed to be misinterpreted or propagated in a wrong light. But it is a bad Government which does not understand its own law. The present law itself, as it stands, Madam, authorises the Government to extend emergency in Punjab on the basis of armed rebellion. Now there is secessionist activity. Violence is being used. Arms are being used. In the present provisions what you intend to do can be done. There is nothing to stop it.

It is said that armed rebellion has not been defined. But what is internal rebellion, internal disturbance?

I have two objections, Madam. Once this principle is introduced, maybe in the context and backdrop of Punjab, it becomes an acceptable principle which at any time can be made use of as a precedent to extend it to any other State.

Here is what history is being contradicted today in this House. The verdict of 70 crore persons in 1977 is being contradicted here without going to them. Here on this very issue I had voted for the emergency, it is true, and I was part of that Government. It is also true that many people, when they left Indiraji, advised me that the Government had done wrong and that I should leave Indiraji. I said, "As I was in Government, I will suffer along with her." I went to jail thrice during that period.

SHRI KALPNATH RAI (Uttar Pradesh): Never.

SHRI VISHWANATH PRATAP SINGH: Madam, it is for all of us to learn from history, from experience from the whole people's experience. It was in this people's experience that even Indiraji later on said about emergency that it would not be...

SHRI KALPNATH RAI: She never said it. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Mr. Y. B. Chavan, as spokesman... (*Interruptions*)

SHRI PARVATHANENI UPENDRA: She said that it would not be repeated for a thousand years or whatever it is. (*Interruptions*)

THE DEPUTY CHAIRMAN: Order please.

SHRI V. GOPALSAMY: She apologised and said, "It is a crime to have emergency."

SHRI VISHWANATH PRATAP SINGH: So, Madam, this principle of internal disturbance, once introduced, can be extended to other States. What is internal disturbance? There is no objective definition.

Will the infernal disturbance of the mind of the Prime Minister amount to disturbance in the country? External threat, we can understand. What is internal threat? If this undefined thing is accepted, then what will happen? Madam, we have gone through the experience of emergency. By this amendment the damage will be *reduced from the country to Punjab*. But what will the people of Punjab be subjected to? We have gone through what can be done. So, how can innocent people under this draconian law be allowed to be suppressed and what are the after-effects? This is one. And when the present law could come, I do not know why this amendment is brought.

The other thing is the misuse. In Gujarat more than 2,000 people or about 2,000 farmers in farmers agitations have been arrested under the anti-terrorist Act. You can refer it. I had been to Gujarat. That is why, with authenticity, I say. The same thing, Madam, in Punjab.

Are people of Punjab something separate? Is democracy going to be truncated on the borders of Punjab? Is democracy a divided experience between this our country and Punjab? This is one. How legitimate demands of people can be suppressed is seen in Gujarat, one. Should Punjab also suffer?

SHRI HARVENDRA SINGH HANSPAL (Punjab): I object to his words "between our country and Punjab." What is he speaking? He must withdraw those words. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: The last point which I want to make most emphatically is... (*Interruptions*)

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): As you isolated the Muslims during the freedom struggle, you are also isolating them.

SHRI HARVENDRA SINGH HANSPAL: He said like that about Punjab. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: The last point I want to make emphatically and I appeal to the hon. Members on this side and also on that side to ponder over this. I think they will also share with me in their hearts that the emergency provisions that were made in the Constitution made exceptions to two Articles—Article 20 and Article 21. Even those who framed the emergency provisions saw in their wisdom that Articles 20 and 21 should not be suspended. Article 21 is regarding right to life and liberty. Today in this House are we going to put a seal to this Fundamental right? We have to ask our conscience. I also ask the conscience of my colleagues on that side of this House... (*Interruptions*) ... that their silence will be an anti-national act. This is what I want to say. I also want to say this strongly that we should appeal to the President not to sanction this if the brute force of theirs sanctions it here. (*Interruptions*)

गृह मंत्री (श्री बूटा सिंह) : माननीया उपसभापति महोदया, मैं सोच रहा था कि हमारे तथाकथित राजऋषि गवर्नमेंट से बाहर हो कर इनको थोड़ी बहुत बुद्धि आ गई होगी थोड़ा अनुभव हुआ होगा क्योंकि आजकल यह जहां कहीं भी कोई उपद्रव होता है तो वहां पहुंच कर उसको स्कैंडलाइज़ करने की कोशिश करते हैं फिर भी मुझे उनका भाषण सुन कर के बहुत दुख हुआ। मैं समझता था कि आज की पंजाब की गम्भीर समस्या को देखते हुए यह सदन के सामने जो एक बहुत ही चिन्तापूर्वक और गम्भीरता से भरा हुआ एक कदम उठाने जा रहे हैं उस पर वह अपने विचार रखेंगे परन्तु अपने ही विरोधाभास में उन्होंने जो

[श्री बूटा सिंह]

कोशिश की कटाक्ष करने की मुझे सुन कर बहुत खेद हुआ। श्रीमान ने कहा कि ज़ीरो के साथ किसी को भी मल्टीप्लाई करो तो उस मे फर्क नही प ता मगर ज़ीरो जो है इसकी कीमत तब तक रहती है जब तक वह किसी रोकड़े मे रहती है, जब वह ज़ीरो रोकड़े से बाहर हो जाती है तो उसको पता चलता है (व्यवधान) वह दुनिया को पता है। यदि वह रकम में रहे तो उसकी बड़ी कीमत है। वह अपने नेता श्री राजीव गांधी के साथ खड़े थे तो एक के साथ खड़े थे, 10 हो कर के चलते थे। मुझे इस बात का खेद है कि मन्त्री पद त्याग कर के... (**व्यवधान**)

श्री विश्वनाथ प्रताप सिंह : आप पंजाब की बात करें मेरे लिए क्यों जप रहे हैं (**व्यवधान**)

श्री बूटा सिंह : मन्त्री पद त्याग कर के... (**व्यवधान**)

SHRI PARVATHANENI UPENDRA : But when one is removed by people, what will happen to all zeroes ?

SHRI DIPEN GHOSH : Mr. Buta Singh, then you will also be a zero. Hereby you also admit that you are also zero. If one is removed then Buta will be zero. ....(*Interruptions*)....

श्री बूटा सिंह : महोदया, मैं तो अर्ज कर रहा था कि जब वे हमारे देश के एक मात्र नेता के साथ दाहिने खड़े होते थे तो वे ज़ीरो से दस बनकर चलते थे और... (**व्यवधान**)

महोदया, यह बात मैं नहीं कहता, मंत्रीपद छोड़ने के बाद काफी देर तक वे बैठे रहे, फिर भी उन्होंने कहा कि मुझे गर्व है कि राजीव गांधी मेरे नेता हैं और मैं उनका फालोअर हूं।

श्री विश्व नाथ प्रताप सिंह : एक बात सही कह रहे हैं कि "एक" राजीव गांधी बाकी सब "ज़ीरोज़" बैठे हैं... (**व्यवधान**)

THE MINISTER OF STEEL AND MINES (SHRI MAKHAN LAL FOTEDAR) : Including Mr. Vishwanath Pratap Singh all are zeros.

विधि और न्याय मंत्रालय में राज्य मंत्री (श्री हंस राज भारद्वाज) : हमारे में कोई* नहीं है... (**व्यवधान**)* और* हमारे में कोई नही है... (**व्यवधान**)

श्री सत्य प्रकाश मालवीय : महोदया, मेरा व्यवस्था का प्रश्न है... (**व्यवधान**)

SHRI ALADI ARUNA *alias* V. ARUNACHALAM : But you are creating so many*.

SHRI DIPEN GHOSH : Madam, the word* is unparliamentary and it should be removed from the records.

THE DEPUTY CHAIRMAN : If it is unparliamentary, then, I will remove it.

SHRI PARVATHANENI UPENDRA : No Member can be called a*. It is unparliamentary.

THE DEPUTY CHAIRMAN : May I remind you what you have agreed to yesterday? I am very sorry. Let me remind you, you cannot have both ways.

SHRI DIPEN GHOSH : Madam, we did not agree that any Member of that side will call us* . On that point, we did not agree. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN :... You had you say and now you want to interrupt and you want to raise points of order. Every now and then you are going back on your promise....(*Interruptions*)... No. no. please.

SHRI DIPEN GHOSH: Madam, I am on a point of order.

श्री सत्य प्रकाश मालवीय : महोदया, मेरा व्यवस्था का प्रश्न है। यह मेरा अधिकार है आप इस अधिकार से मुझे वंचित नहीं कर सकती हैं... (**व्यवधान**)

THE DEPUTY CHAIRMAN : If you want to say about what the hon. Member, Shri Hansraj Bhardwaj has said, I

*Expunged as ordered by the Chair.

will go through that and if it is unparliamentary then, that will be expunged.

SHRI CHITTA BASU : Madam, the word** is unparliamentary.

श्री सत्य प्रकाश मालवीय : उन्होंने** शब्द इस्तेमाल किया है इस पर ही मैं कहना चाहता था। मेरा यही व्यवस्था का प्रश्न है . . . **(व्यवधान)**

श्री बूटा सिंह : महोदया, श्रीमन् ने कहा कि पंजाब की परिस्थिति को सामने रखते हुए सरकार को अनिवार्य नही था कि यह संविधान का संशोधक बिल यहां पर लाये क्योंकि उनके कहने के मुताबिक इस वक्त संविधान में जो प्रावधान हैं उनके अंतर्गत आर्म्ड रिबेलियन की कंडीशन में हम वहां इमरजेंसी लगा सकते हैं, यह श्री विश्वनाथ जी ने कहा। इसके माने यह है कि वे इमरजेंसी लगाने के पक्ष में है. . . **(व्यवधान)**

श्री विश्वनाथ प्रताप सिंह : नहीं नहीं। आप खुद जो चाहते हैं. . . **(व्यवधान)**

**That is not the point.

SARDAR JAGJIT SINGH AURORA : The query that we raised between the two. . . .

श्री बूटा सिंह : खाली अंतर तो यह है कि. . . **(व्यवधान)**

महोदया, अंतर सिर्फ इतना है कि उनके असेसमेंट के मुताबिक इमरजेंसी लग सकती है। उन्होंने आर्म्ड रिबेलियन. . . **(व्यवधान)**

श्री विश्वनाथ प्रताप सिंह : खाली लीगल पाइंट लगा रहे हैं लेकिन हम इमरजेंसी रिकमेंड नहीं कर रहे हैं।

SHRI NIRMAL CHATTERJEE (West Bengal) : *

THE DEPUTY CHAIRMAN : It is said without my permission and it will not go on record.

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*Not recorded.

**Expunged as ordered by the Chair.

श्री बूटा सिंह : जैसे मेरे सहयोगी श्री चिदम्बरम् जी ने पूरे विस्तार के साथ कहा और जिसको मानते है और जसवंत सिह जी ने कहा कि चिदम्बरम् जी के पास ब्रेन है और उनके सिर में है। मुझे खुशी है कि उनके सिर में है। मुझे पता नही कि आपका ब्रेन कहां पर है।. . . **(व्यवधान)** मैं तो यही आशा करता हूं कि इस सदन के सभी मान्यवर सदस्य अपना-अपना दिमाग अपने-अपने सिर में ही रखें तो अच्छा है। अगर यह सिर से बाहर हो गया, तो न जाने क्या हो जाए। मगर एक चीज मैं कहना चाहता हूं कि हमने जो प्रावधान किया है इस संशोधन बिल के जरिए, वह प्रावधान यदि मान्यवर सदस्य पूरी गम्भीरता से, ईमानदारी से सोचें, तो हमने बहुत थोड़े से थोड़ा संविधान को छेड़ कर, उसमें केवल एक शब्द जोड़ा है।

आपने कहा इंटरनल डिस्टर्बेन्स नहीं है। कंस्टीट्यूशन में राजा साहब को मालूम नहीं कि आर्टिकल 355 में बड़े प्लेन शब्दों में लिखा हुआ है कि भारत सरकार का दायित्व है कि राज्यों में राज्यों की प्रोटेक्शन करना—किसके खिलाफ—इंटरनल डिस्टर्बेन्स के खिलाफ—आप संविधान उठा कर के देखिये, हमने कोई नया शब्द नहीं जोड़ा। हमने तो बल्कि इसके साथ यह लगाया है कि कहीं इंटरनल डिस्टर्बेन्स के नाम पर इसका दुरुपयोग न हो जाए, इसलिए हमने साथ लगा दिया कि वियरएेज़ जहां-जहां भी देश की इन्टेग्रिटी को खतरा होगा, उसको हम इंटरनल डिस्टर्बेन्स मानेंगे, दूसरे किसी को हम इंटरनल डिस्टर्बेन्स नहीं मानेंगे।

मैं नहीं समझता हूं कि कोई सरकार इतना ध्यान रखेगी अपने देशवासियो का कि इंटरनल डिस्टर्बेन्स होते हुए भी हम उसके ऊपर किसी किस्म की सख्ती की कार्यवाही नही करेंगे अडर दी इमरजेंसी पावर्ज, जब तक वह चुनौती देश की अखण्डता को चुनौती न माना जाए।

अब मैं एक सीधा प्रश्न मान्यवर सदस्यों, दीपेन घोष से लेकर राजा साहब तक जो बैठे हुए हैं, से पूछना

[श्री बूटा सिंह]

चाहता हूं कि क्या इसमें उनको कोई दुविधा है कि पंजाब में देश की इन्टेग्रिटी को खतरा नहीं है । अभी हमारे मान्यवर जरनैल साहब बोले हैं, उन्होंने कहा कि नहीं है । करेक्ट । मैं उनसे यह पूछता हूं कि... (**व्यवधान**)

SHRI DIPEN GHOSH : Punjab is not dangerous to the integrity of the country. Terrorist activities are dangerous to the integrity of the country. (*Interruptions*)...

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): He has cast aspersion on other Member. What is the meaning of that word? (*Interruptions*)...

श्री बूटा सिंह : मैं उनसे पूछता हूं कि क्या पंजाब में इन्टेग्रिटी आफ इंडिया थ्रेटंड नहीं है ? तो क्या कारण है कि जनरल अरोड़ा साहब की पार्टी पंजाब के ऐतिहासिक स्थानों से, धार्मिक स्थानों से खालिस्तान का झंडा क्यों नहीं उतारते ? ... (**व्यवधान**) जहां खालिस्तान के झंडे लगे हुए हैं, खालिस्तान के नारे, खालिस्तान के प्रस्ताव...

SHRIMATI RENUKA CHOWDHURY: No, he must withdraw it ... (*Interruptions*)...

श्री बूटा सिंह : खालिस्तान का प्रस्ताव अभी-अभी इनके समागम में... (**व्यवधान**)

SHRIMATI RENUKA CHOWDHURY: No, Madam, you ask for apology from that Member. How can he use the words like that? (*Interruptions*)...

श्री बूटा सिंह : अभी-अभी मैडम, पिछले महीने में... (**व्यवधान**)

SHRIMATI RENUKA CHOWDHURY : No, Madam, I object strongly to that behaviour.

श्रीमती रेणुका चौधरी : ऐसा बोलते हुए शर्म नहीं आती है ? कैसे बोलना चाहते हैं आप । ... (**व्यवधान**)

श्री बूटा सिंह : मैडम, पिछले महीने में आनन्दपुर साहब में एक बहुत बड़े समागम में... (**व्यवधान**)

THE DEPUTY CHAIRMAN : Did you say actually ?

श्री बूटा सिंह : पंजाबी में जरनैल ही लिखते हैं । She does not know.

[**Mr. Chairman** in the Chair.]

श्री बूटा सिंह : सभापति जी, मैं अर्ज कर रहा था, जनरल साहब ने यह फर्माया... (**व्यवधान**) सभापति जी, मैं अर्ज कर रहा था... (**व्यवधान**)

SHRIMATI RENUKA CHOWDHURY : I want to make a submission, Sir.

MR. CHAIRMAN : You please hear him. What is this ? (*Interruptions*)

SHRI NIRMAL CHATTERJEE : If he has used the word 'terrorist', we request you to expunge that word. (*Interruptions*)

MR. CHAIRMAN : We will see the records. (*Interruptions*)

श्री बूटा सिंह : नहीं-नहीं, मैंने यह नहीं कहा, सभापति जी, मैंने यह कहा कि जनरल साहब ने जो फर्माया कि वहां देश की अखंडता को खतरा नहीं है, यह सही नहीं है । मैंने तो यही कहा । ... (**व्यवधान**) और मैंने कुछ नहीं कहा । ... (**व्यवधान**) मुझे तेलुगू सीखनी पड़ेगी और आपको पंजाबी सीखनी पड़ेगी ।... (**व्यवधान**)

श्रीमती रेणुका चौधरी : आल-राइट । ... (**व्यवधान**) बूटा सिंह जी, नाम बोलते वक्त झूठा सिंह बोल दिया था, अब बूटा सिंह बोलती हूं । ... (**व्यवधान**)

श्री बूटा सिंह : कोई बात नहीं, आप जो जी चाहे बोलिए, आपको वह भी मुबारक है । आप जूता चाहती हैं, वह मुबारक है आपको ।

श्रीमती रेणुका चौधरी : मैं आपसे नहीं लड़ूंगी ।... (**व्यवधान**)

श्री सभापति : आप अपने दोस्ताना की बात बाहर करें तो अच्छा है ।

श्री बूटा सिंह : सभापति जी, मैं यह उल्लेख कर रहा था कि जनरल साहब ने कहा कि जो मैंने अभी अपने बिल में कहा कि "The integrity of the country is in danger." यह सही नहीं है । मैं इसके बारे में सदन को सूचना देने जा रहा था कि अभी-अभी जो सबसे बड़ा सिखों का पर्व होता है "होला महल्ला" आनन्दपुर साहब में बहुत बड़ी तादाद में एक संगठन, सिख स्टूडेंट्स फेडरेशन के संगठन ने बाकायदा विधिवत् प्रस्ताव पास किया खालिस्तान का और जनरल साहब की पार्टी की एक बहुत बड़ी कान्फ्रेन्स में उन्होंने जबर्दस्ती फतेहगढ़ साहब में आकर कब्जा करके वहां भी एक प्रस्ताव पास किया है खालिस्तान का ।... **(व्यवधान)**

सरदार जगजीत सिंह अरोड़ा : इनके एडमिनिस्ट्रेशन को क्या हो गया है ? ... **(व्यवधान)**

श्री सभापति : अभी रिकार्ड पढ़ लेंगे ।... **(व्यवधान)**

श्री बूटा सिंह : मैं जनरल साहब से बोलता हूं, मैं जनरल साहब से पूछता हूं... **(व्यवधान)**

श्री दरबारा सिंह : यह जबर्दस्ती नहीं की है इन्होंने, आप खुद जगह दी ... **(व्यवधान)**

श्री बूटा सिंह : दरबारा सिंह फर्माते हैं कि इन्होंने खुद इन्वाइट किया उनको, इनकी पार्टी मिली-भगत में चल रही है उनके साथ देश के जो इस वक्त सेपेरेटिस्ट हैं उनके साथ भी और देश के लोगों के बुद्धू बनाने के लिए माड्रेट बनते हैं ।

SARDAR JAGJIT SINGH AURORA : That, I am afraid, is untruth. *(Interruptions)* It is a matter of... *(Interruptions)*...conjecture... *(Interruptions)*

श्री बूटा सिंह : मैं आपको नहीं, आपकी पार्टी को कह रहा हूं। आप दिल्ली से जाते ही कम हैं। ... **(व्यवधान)** तो ठीक है सदन मानता है । ... **(व्यवधान)** वह नहीं है जिन्होंने पास किया है मैं तो उनकी बात कर रहा हूं। मैं तो यह कह रहा हूं कि पंजाब में इस तरह की एक जबर्दस्त मुहिम चलाई जा रही थी जिससे देश की अखंडता को खतरा है । मैंने सबूत दिया है दो बड़ी-बड़ी पब्लिक मीटिंग्ज का, और सबूत लेना चाहते हो तो जनरल साहब जरा हरमिन्दर साहब चले जाएं । ... **(व्यवधान)**

सरदार जगजीत सिंह अरोड़ा : आप कन्ट्रोल नहीं कर सकते थे पब्लिक मीटिंग्ज ? If you cannot control public meeting... *(Interruptions)*

श्री बूटा सिंह : वही तो हम करने जा रहे हैं।

SARDAR JAGJIT SINGH AURORA : Do not blame others. If you cannot control terrorism after ten months of President's rule, it is your weakness. How do you expect a peace-loving party to do so?

श्री बूटा सिंह : मैं यही कहने जा रहा हूं कि हम इसी को काब में करने के लिए और जड़ से उखाड़ने के लिए यह पावर मांग रहे हैं ताकि खालिस्तान का नाम ही खत्म हो जाए पंजाब की धरती से और खालिस्तान का समर्थन करने वालों को कानूनी ढंग से खत्म किया जाए । इसीलिए हम यह शक्ति मांग रहे हैं । इसीलिए हम सदन के सामने आए हैं । इसीलिए आप भी साथ दीजिए, आप तो बहुत बड़े जरनैल हैं, बहादुर हैं ।... **(व्यवधान)**

मैं आपसे यही नम्र निवेदन कर रहा था कि इस बिल में दो मुद्दे हैं जिनको नजरअन्दाज किया जा रहा है। एक

3.00 P.M.

मुद्दा यह है कि कंस्टीट्यूशनल डैडलोक आ सकता है । 10 मई के

[श्री बूटा सिंह]

बाद क्यों कि 10 मई तक यह राष्ट्रपति शासन चल सकता है । उसके बाद संविधान में प्रावधान नहीं है, तो कुदरती हम इसी मान्यवर सदन के सामने आयेंगे और इसी सदन से हम यह मांग करेंगे ।

मान्यवर, मुझे कहा गया कि हाउस क्यों डिजोल्व किया । जसवन्त सिंह जी कह गये कि सिमरन जीत सिंह "मान" के डर से किया । आप तो ऐसा कहते हैं, मैं तो सोचता हूं, बी० जे० पी० की बड़ी वोट हैं, अगर आपको इतना इश्क है, तो उसको ले आओ, कहीं से । आप मध्य प्रदेश से ला सकते हैं, आप बिहार से ला सकते हैं, आप न जान कहां-कहां से ला सकते हैं । अगर आपको इतना इश्क है, पंजाब के लोगों के साथ इतनी हमदर्दी है, तो आप राजस्थान से ले आओ ... (**व्यवधान**)

एक माननीय सदस्य : आप खुद भी आये है, राजस्थान से । (**व्यवधान**)

श्री बूटा सिंह : आदरणीय, मैं बस समाप्त कर रहा हूं । इसमें दो मुद्दे हैं । एक मुद्दा है, प्रोकलमेशन जो समाप्त होने जा रहा है । (**व्यवधान**)

SHRI PARVATHANENI UPENDRA : Rajasthan is already repenting for sending him here.

श्री बूटा सिंह : मैं आभारी हूं, राजस्थान का मैं आभारी हूं, बहुत आभारी हूं । मेरा एक ही निवेदन है, सभापति जी, सदन के सामने ... (**व्यवधान**)

श्री विश्वनाथ प्रताप सिंह : सभापति जी, बूटा सिंह जी, एक अर्ज कर लूं, यह सलाह जो आप दे रहे हैं, दूसरी स्टेट से आन की, आधे दर्जन मिनिस्टर दूसरी स्टेट से आय हैं ।

श्री हंसराज भारद्वाज : यह तो यहां थे, वहां भी नहीं रहे ।

श्री बूटा सिंह : आदरणीय, मेरा तो यह नम्र निवेदन है कि इस बिल के दो उद्देश्य हैं । एक तो राष्ट्रपति शासन को 10 मई के बाद लागू रखने के लिये बरनाला साहब ने तो आफर दिया था, बादल साहब को कि मैं आपके 22 जो बिल्कुल निकाले हुए मैम्बर है, उनको भी वापस लेता हूं, ताकि आपकी सरकार बन जाये, मगर बादल साहब ने उसको खुद ठुकरा दिया, कोई संभावना नहीं थी कि यह असेम्बली किसी प्रकार की सरकार बना सकती, इसलिये उसको जाना पड़ा । अब दूसरा यह है कि इसमें कि ऐसे हालात पंजाब में हो सकते है, यह तो हम एनेबलिंग प्रोविजन करने जा रहे है, यदि हमें इमरजेन्सी लानी होगी, तो इस सदन में आयेंगे । बहुत से सदस्यों को डर है कि हमारी टू-थर्ड नहीं है, फिर भी हमें टू-थर्ड चाहिये होगी और मुझे उम्मीद है कि आप उस वक्त हमारा साथ देंगे, हमें यह शक्ति देंगे कि आपात-स्थिति को लागू करें । इसलिये यह सरासर निराधार है और बिल्कुल एक ऐसा राजनीतिक दोष है, जो पिछले दो दिन से लगाया जा रहा है, सरकार के ऊपर कि हम पंजाब का नाम लेकर दूसरे हिस्सों में यह इमरजेंसी लगाने जा रहे हैं । इसका खण्डन करने के लिये, केवल खण्डन करने के लिये हमने संशोधन किया, जबकि इस विधेयक में बकायदा रखा हुआ था कि यह केवल और अथवा केवल पंजाब के लिये है । फिर भी हमने मान्यवर सदस्यों के हर प्रकार के संशय को दूर करने के लिये आज यह भी सदन के समाने रख दिया, ताकि देश के लोगों को गुमराह न कर सकें ।

यह दो उद्देश्य मैंने आज सदन के सामने रखे है । मुझे पूर्ण विसवास है कि यह देश भक्तों का सदन हमारा इसमें पूरा साथ देगा । इसके साथ देश की अखंडता को जो चुनौती है, पंजाब में आज, हम उसका डटकर मुकाबला कर सकेंगे और भारत सरकार इसके लिये पूरी तहैया कर बठी है कि हमने पंजाब की धरती से आतंकवाद को, अलगाव-वाद को, देश को खंडित करने वाले लोगों को जड़ से उखाड़ेंगे,

उसके लिये हम यह शक्ति मांगते हैं । मैं सदन से उम्मीद करूंगा और प्रार्थना करूंगा कि इस विधेयक को जल्दी से जल्दी पारित करें ।

MR. CHAIRMAN: I shall now put to vote the motion for consideration of the Bill...

SHRI LAL K. ADVANI: On a point of order...

MR. CHAIRMAN: Where is the point of order? I am only putting the motion to vote.

SHRI LAL K ADVANI: Mr. Chairman, my point of order relates to the voting itself

SHRI DIPEN GHOSH: Sir, he is entitled to raise a point of order...(*Interruptions*)... We are entitled to raise points of order...(*Interruptions*)...

MR. CHAIRMAN: Mr. Ghosh, I have got only two ears. If all of you stand up and speak, how can I hear?...(*Interruptions*)... आप भी खड़े हो गये, मैं भी खड़े हो गये दस आदमी खड़े हो गये । (व्यवधान)

SHRI B. SATYANARAYAN REDDY: He is to be allowed, Sir, ... (*Interruptions*)...

MR. CHAIRMAN: Just a minute... (*Interruptions*)...Let him speak.

SHRI DIPEN GHOSH: Sir, it is the inalienable right of a Member to raise a point of order...(*Interruptions*)...

MR. CHAIRMAN: Yes, Mr. Advani.

SHRI LAL K. ADVANI: Mr. Chairman, Sir,...(*Interruptions*)...

MR. CHAIRMAN: You people are not hearing him. If all of you stand up, what can I do? I have already allowed Mr. Advani to speak.

SHRI LAL K. ADVANI: Mr. Chairman, Sir, I am not used to raising points of order only to obstruct the proceedings of the House and that is not my practice.

MR. CHAIRMAN: Yes, I know.

SHRI LAL K. ADVANI: It is not my practice. But I would like to draw your attention to article 102(2), read with article 164(4), wherein it is stated that where a Member of either House of Parliament is appointed a Minister in a State, even as Chief Minister, but does not resign his seat in Parliament, he incurs no disqualification and continues to be a Member of that House as well as Minister in the State for a period of six months without being elected to the State Legislature. That is quite correct. What I am going to read further is very relevant. Sir, he is a friend of mine and I wish him personally no harm and I mean no disrespect to him. But I wish the Parliamentary Affairs Minister had advised him properly and not invited him to attend this House at all because the book on Parliamentary Procedure by Kaul and Shakdher says that such a Member, if he comes to the House...

SHRI MAKHAN LAL FOTEDAR: What does the Constitution say?

SHRI LAL K. ADVANI: Sir, this is based on...

MR. CHAIRMAN: He has raised the point and let him complete it.

SHRI LAL K. ADVANI: Let me complete it. This is based upon a ruling given in the Lok Sabha and another ruling given in the Rajya Sabha. It says:

> "Such a Member, if he comes to the House, is not entitled to participate in the proceedings of the House or to vote."

It says further:

> "However, as a matter of propriety, he should not attend the House on his holding the office of Minister in a State."

[Shri Lal K. Advani]

Sir R. K. Jaichandra Singh has been appointed the Chief Minister and I wish the Parliamentary Affairs Minister had advised him properly. He cannot vote and this says:

"As a matter of propriety, he should not attend the House when he has been appointed a Minister."

This is the ruling given in the Rajya Sabha. This was given in the Rajya Sabha on 17.11.1964 and on 18.11.1964. I had just drawn the attention of the Secretary-General to it ond, further, in the Lok Sabha, they had decided that such Member is not entitled to participate in the proceedings of the House or to vote. This is the ruling of the Lok Sabha. I now seek your ruling on the subject.

SHRI DIPEN GHOSH: Sir, kindly adjourn the House and give your ruling then ...(*Interruptions*)... They would like to do anything to get this Bill passed... (*Interruptions*)...

श्री अटल बिहारी वाजपेयी : सभापति जी, इसी तरह का मामला दूसरे सदन में उठा था, हमारे सदस्य... (व्यवधान)

श्री सभापति : अभी जो बात आडवाणी जी ने कही, उसमें बल था और इसी नाते, जो दूसरी एसेंबली के सदस्य यहां बैठे थे, वे चले गये।

SHRI PARVATHANENI UPENDRA: Sir, he is the Chief Minister of a State and he must go out now...(*Interruptions*)...

SHRI PAWAN KUMAR BANSAL (Punjab): Sir, I have a point of order. Mr. Jaichandra Singh continues to be a Member of this House...(*Interruptions*) ...He is a Member of this House...(*Interruptions*)...it is impertinent for another Member to ask him to go out.

SHRI DIPEN GHOSH: To muster votes they can go to any extent. See to what extent they can go. (*Interruptions*)

SHRI R. K. JAICHANDRA SINGH (Manipur): I am still a Member of this House. (*Interruptions*)

AN HON. MEMBER: This is what you did in Tripura.

DR. (SHRIMATI) NAJMA HEPTULLA (Maharashtra): On a point of order. (*Interruptions*)

SHRI LAL K. ADVANI: May I suggest that he may be allowed to sit in the House but not allowed to vote? I do not want him to be requested to go out of the House. (*Interruptions*)

SHRI BUTA SINGH: He is a valid Member of the House. He has not vacated his seat. He can exercise his right. I have seen...(*Interruptions*)

SHRI DIPEN GHOSH: You have been rigging the poll everwhere. Do not rig the poll here. (*Interruptions*)

DR. (SHRIMATI) NAJMA HEPTULLA: I am on a point of order. He cannot vote in the Assembly. (*Interruptions*)

MR. CHAIRMAN: I am reading a ruling on a Bill, by Dr. Zakir Hussain:

"At the sitting of the House yesterday, Shri Vajpayee drew my attention to the presence in the House of Shri A. M. Tariq, a Member of the Rajya Sabha, who had recently assumed office as a Minister in the State of Jammu and Kashmir. The Constitution contains the provisions relating to the disqualification of Members and vacation of their seats in Parliament. As far as I am aware, Shri Tariq has not become subject to any of these disqualifications. The question of disqualification will, however, arise when Shri Tariq is chosen as a member of the Jammu and Kashmir Legislature. Until then, legally and constitutionally, his membership of the House will cintinue.

"On the question of propriety of a Member who has assumed office as a Minister in his State continuing to take part in the proceedings of the House, I would merely observe that it does seem some what odd that a Member functioning as a Minister in a State should be attending the Rajya Sabha and taking part in the proceedings thereof."

I would, however, like to leave it to the good sense of the Member.'

(*Interruptions*)

SHRI R. K. JAICHANDRA SINGH: The paramountcy of the nation's interest is much more important than my personal view.

SHRI LAL K. ADVANI: I did point out even when I had raised this point of order that there are two rulings. One is in the Rajya Sabha and another ruling is in the Lok Sabha (*Interruptions*) Therefore, I said that though he might be allowed to sit here, he should not be allowed to vote.

MR. CHAIRMAN: Mr. Advani, please hear me. Though I am not a Member of Rajya Sabha myself, I for one would like to emphasise one thing. We cannot downgrade Rajya Sabha. A ruling of one of the most respected Chairmen of the Rajya Sabha is there and the last words of his are also there. I may put it very plainly. Under these circumstances, following Dr. Zakir Hussain, I would leave it to the good sense of the Member.

(*Interruptions*)

श्री अटल बिहारी वाजपेयी : महोदय, जो आपने रूलिंग पढ़ी है, वह मामला राज्य सभा म मैंने उठाया था...

श्री सभापति : मैं उसके खिलाफ नहीं हूं...

श्री अटल बिहारी वाजपेयी : उस रूलिंग के बाद क्या हुआ, यह मैं आपके ध्यान में लाना चाहता हूं ...

श्री माखन लाल फोतेदार : वह लिखा नहीं है इसमें ...

श्री अटल बिहारी वाजपेयी : वह सदस्य सदन से उठकर चले गये थे...

...(**व्यवधान**)...

SHRI PARVATHANENI UPENDRA: Mr. Tariq had left the House.

MR. CHAIRMAN: It is a very simple position. I cannot direct the Member not to vote. The ruling of Dr. Zakir Hussain is sound and I stand by it.

SHRI DIPEN GHOSH: I want to make a submission. I abide by your ruling. You are leaving the matter to the good sense of the Member. But Congress (I) party has no good sense. Their members have no good sense. Why do you leave it to their good sense?

(*Interruptions*)

THE MINISTER OF PLANNING AND THE MINISTER OF PROGRAMME IMPLEMENTATION (SHRI P. SHIV SHANKER): If it is a question of good sense that they are speaking of, then they must persuade some of their friends who have flocked with them recently. (*Interruptions*)

SHRI MAKHAN LAL FOTEDAR: If it is a question of political morality, then Shri V. P. Singh should have resigned from the Parliament after his desertion from Congress (I).

SHRI VISHWANATH PRATAP SINGH: Mr. Chairman, Sir, my name has been mentioned. I have a right to answer. (*Interruptions*)

The Minister has mentioned my name and I have a right to answer.

SHRI MAKHAN LAL FOTEDAR: I am talking of political morality.

SHRI VISHWANATH PRATAP SINGH: On the question of political morality, I have a right to answer. I plead that I should be allowed to answer. (*Interruptions*) Is it political morality that without notice you have expelled a Member? (*Interruptions*) You have expelled him wthout giving any reasons. I have received no notice till today. Is that democracy? Am I to become an instrument of furthering the political designs of the party? Giving such precedents does not behave them. I cannot stand this high-handed method. (*Interruptions*)

MR. CHAIRMAN: I shall now put the Motion regarding the consideration of the Constitution (Fifty-ninth Amendment) Bill, 1988, to vote. (*Interruptions*)

SHRI NIRMAL CHATTERJEE: Sir, I am on a point of order. What is the ruling on the point raised? (*Interruptions*)

MR. CHAIRMAN: I stand by the ruling of Dr. Zakir Hussain. Now...

SHRI NIRMAL CHATTERJEE: Somebody's name was mentioned. Has he a right of reply or not? (*Interruptions*)

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Constitution" of India, be taken into consideration.

The House divided.

MR: CHAIRMAN:

Ayes	. . . .	157
Noes	. . . .	54

AYES—157

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Antony, Shri A. K.
Arun Singh, Shri
Bagrodia, Shri Santosh
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basumatari, Shri Dharanidhar
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chowdhary Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanrao
Dhusiya, Shri Sohan Lal
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gopalan, Shri R. T.
Gupta, Shri Vishwa Bandhu
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M. F.
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamir, Shri S. C.
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Jayalalitha Jayaram, Miss
Jogi, Shri Ajit P. K.
Joshi, Shri Krishna Nand
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kailashpati, Shrimati
Kakodkar, Shri Purshottam
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kamble, Prof. N. M.
Kaul, Shrimati Krishna
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr Mohd. Hashim
Kollur, Shri M. L.
Kulkarni, Shri A. G.
Kushnoor, Shri Veershetty Moglappa
Kuthiravattom, Shri Thomas
Laxmi Narain, Shri

Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakrishan
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mittal, Shri Sat Paul
Mohapatra, Shri Basudeb
Mohanty, Shri Subas
Moopanar, Shri G. K.
Naik, Shri G. Swamy
Nalwa, Shri Hari Singh
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panicker, Shri K. Vasudeva
Panwar, Shri B. L.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Patil, Shrimati Pratibha Devisingh
Patil, Shrimati Suryakanta Jayawantrao
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Rayka, Shri Sagar
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Richaria, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sayeed Mufti Mohamad
Sharma, Shri A. P.
Sharma, Shri Chandan
Sharma, Dr. H. P.
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit Prithvijit
Sukul, Shri P. N.
Swaminathan, Shri G.
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabaalu, Shri
Tiria, Kumari Sushila
Tiwari, Shri Narayan Datt
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Vaduthala, Shri T. K. C.
Valiullah, Shri Raoof
Verma, Shri Kapil

Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

NOES—54

Advani, Shri Lal K.
Ajit Singh, Shri
Aladi Aruna, Shri *alias* V. Arunachalam
Ashwani Kumar, Shri
Aurora, Sardar Jagjit Singh
Baby, Shri M. A.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Bhattacharjee, Shri Nepaldev
Bhuyan, Shri Gaya Chand
Chakravarty, Shrimati Bijoya
Chatterjee, Shri Nirmal
Chaudhuri, Shri Tridib
Chautala, Shri Om Prakash
Chowdhury, Shrimati Renuka
Ghosh, Shri Dipen
Gopalan, Shri K.
Gopalsamy, Shri V.
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Goyal, Shri J. P.
Gurupadaswamy, Shri M. S.
Jaswant Singh, Shri
Kaldate, Dr. Bapu
Kar, Shri Narayan
Kushawaha, Shri Ram Naresh
Lakshmanna, Prof. C.
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.
Malaviya, Shri Satya Prakash
Masood, Shri Rasheed
Mohanan, Shri K.
Mukherjee, Shrimati Kanak
Mukherjee, Shri Samar
Poddar, Dr. R. K.
Prashant, Shri Dharam Chander
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Sen, Shri Sukomal
Singh, Shri Vishwanath Pratap
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Vaghela, Shri Sanker Sinh
Vajpayee, Shri Atal Bihari
Verma, Shri Ashok Nath
Verma, Shrimati Veena
Yadav, Shri Jagdambi Prasad
Yadav, Shri Sharad

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: We shall now take up clause by clause consideration of the Bill. The question is:

'That clause 2 stand part of the Bill'

The House divided.

MR. CHAIRMAN: Ayes .. 157
Noes .. 53

AYES—157

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Antony, Shri A. K.
Arun Singh, Shri
Bagrodia, Shri Santosh
Banamali Babu, Shri
Bansal, Shri Pawan Kumar

Basumatari, Shri Dharanidhar
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Sri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chowdhary Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanrao
Dhusiya, Shri Sohan Lal
Faguni Ram, Dr.
Fernandes, Shri Johan F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gopalan, Sri R. T.
Gupta, Shri Vishwa Bandhu
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M. F.
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamir, Shri S. C.
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Jayalalitha Jayaram, Miss
Jogi, Shri Ajit P. K.
Joshi, Shri Krishna Nand
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kailashpati, Shrimati
Kakodkar Shri Purushottam
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kamble, Prof. N. M.
Kaul, Shrimati Krishna
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Kulkarni, Shri A. G.
Kushnoor, Shri Veershetty Moglappa
Kuthiravattom, Shri Thomas
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mittal, Shri Sat Paul
Mohapatra, Shri Basudeb
Mohanty, Shri Subas
Moopanar, Shri G. K.
Naik, Shri G. Swamy
Nalwa, Shri Hari Singh
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Natha Singh, Shri
Pachouri, Shri Suresh
Phadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panicker, Shri K. Vasudeva
Panwar, Shri B. L.

Patel, Shri Chhotubhai
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Patil, Shrimati Pratibha Devisingh
Patil, Shrimati Suryakanta Jayawantrao
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Rayka, Shri Sagar
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Richaria, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roshan Lal, Shri
Sahu, Shri Rajini Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sayeed Mufti Mohamad
Sharma, Shri A. P.
Sharma, Shri Chandan
Sharma, Dr. H. P.
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit Prithvijit
Sukul, Shri P. N.
Swaminathan, Shri G.
Tariang, Shri Jerlie E.
Thakur, Shri Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabaalu, Shri
Tiria, Kumari Sushila
Tiwari, Shri Narayan Datt
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Vaduthala, Shri T. K. C.
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

NOES—53

Advani,, Shri Lal K.
Ajit Singh, Shri
Aladi Aruna, Shri *alias* V. Arunachalam
Ashwani Kumar, Shri
Aurora, Sardar Jagjit Singh
Baby, Shri M. A.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Bhattacharjee, Shri Nepaldev
Bhuyan, Shri Gaya Chand
Chakravarty, Shrimati Bijoya
Chatterjee, Shri Nirmal
Chaudhuri, Shri Tridib
Chautala, Shri Om Prakash
Chowdhury, Shrimati Renuka
Ghosh, Shri Dipen
Gopalan, Shri K.
Gopalsamy, Shri V.
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Goyal, Shri J. P.
Gurupadaswamy, Shri M. S.

Jaswant Singh, Shri
Kaldate, Dr. Bapu
Kar, Shri Narayan
Kushwaha, Shri Ram Naresh
Lakshmanna, Prof. C.
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.
Malaviya, Shri Satya Prakash
Masood, Shri Rasheed
Mohanan, Shri K.
Mukherjee, Shrimati Kanak
Mukherjee, Shri Samar
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Sen, Shri Sukomal
Singh, Shri Vishwanath Pratap
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Veghela, Shri Shanker Sinh
Vajpayee, Shri Atal Bihari
Verma, Shri Ashok Nath
Verma, Shri Virendra
Yadav, Shri Jagdambi Prasad
Yadav, Shri Sharad

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 *was added to the Bill.*

Clause 3—Insertion of new article 359A.

MR. CHAIRMAN: Now we take up Clause 3. There is an amendment.

SHRI BUTA SINGH: Sir, I move:

1. "That at page 2 lines 8-9, for the words 'any part of the territory of India', the words 'the whole or any part of the territory of Punjab' be substituted."

2. "That at page 2 line 11, for the word 'India' the word 'Punjab' be substituted."

3. "That at page 2 lines 17-18 for the words 'Any part of the territory of India' the words 'the whole or any part of the territory of Punjab', be substituted."

4. "That at page 2 line 27 for the words 'any part of the territory of India' the words 'the whole or any part of the territory of Punjab' be substituted."

The questions were proposed.

SHRI DIPEN GHOSH: Sir, before the Minister of Home Affairs, Mr. Buta Singh had moved the amendments, his junior colleague, Mr. Chidambaram, while intervening, had in fact highlighted the merit of this amendment and while highlighting the merit of this amendment, he wanted to assure the House, and through the House to the people of India that they are only intending to restrict the powers which they are now going to take to the State of Punjab alone. Even on the last occasion and on this occasion also, Mr. Buta Singh had praised the people of Punjab in their determination to fight terrorism on the soil of Punjab. I share those feelings and I am proud to say that people of Punjab are fighting against those forces of terrorism. My party, Communist Party of India (Marxists)—I feel proud that I belong to that party—the cadres of that party are laying their lives to protect the integrity and solidarity of our country, not only in Punjab but all over the country.

[**The Deputy Chairman** in the Chair]

Madam Deputy Chairman, Mr. Buta Singh himself had admitted that these people of Punjab will fight against the terrorists and the acts of terrorism, but the irony is, Mr. Chidambaram, true to

[Shri Buta Singh]

his profession as an advocate has only to indulge himself in sophistry. Madam, the people of Punjab, whom Mr. Buta Singh, Mr. Chidambaram and all of them are calling upon to fight the terrorists and fight against the acts of terrorism on the soil of Punjab, are being deprived of their rights. They are taking away the right from those people. (*Interruptions*). Mr. Chidambarm, please listen, it is not a matter to be laughed away. If you have some intelligence, use it. Mr. Buta Singh has stated that brain is always on the head. Please apply that brain. On the one hand you are asking the people of Punjab to fight the terrorists, to fight against the acts of terrorism....

[Mr. Chairman in the Chair]

and on the other hand you are taking away the rights of the people of Punjab. (*Time Bell rings*). If they do not disturb, I will complete within the scheduled time.

MR. CHAIRMAN: You have already exceeded the time-limit.

SHRI DIPEN GHOSH: They are taking away the right of the people of Punjab. With the passing of this amending Bill they have declared that article 19 will automaticallly remain suspended. It is said in the Statement of Objects and Reasons and I quote:

> "Consequentially, articles 358 and 359 are also proposed to be amended so as to provide for the automatic suspension of article 19 of the Constitution."

MR. CHAIRMAN: Now please take your seat. I have got your promise in writing. There has to be some sanctity.

SHRI DIPEN GHOSH: Article 19 of the Constitution provides the right to assembly. They are going to take away this fudamental right. Mr. Chairman, Sir, in a democracy the fundamental right or liberty of a citizen, is indivisible, it cannot be divisible. If the people of Punjab are denied the right to liberty, the right to life, that right to liberty or right to life cannot be sustained by other people of the country, by people in other parts of the country.

So, while opposing the Bill I also oppose the amendment because of the fact that by restricting the application of this amending Bill to the people of Punjab, you are taking away the right of liberty and life of the people of Punjab. So in order to side with the people of Punjab, while opposing the Bill, I oppose these amendments also.

SHRIMATI RENUKA CHOWDHURY: Sir, I would like to seek through you a clarification. I fail to understand, basically they have said. . .

MR. CHAIRMAN: You have to conclude within two minutes.

SHRIMATI RENUKA CHOWDHURY: I just want to ask one clarification. Earlier Mr. Jaswant Singh had referred to this. I want to know how the Minister is going to guarantee protection of Art. 19 and Art. 21 in other parts of the country. If you take into consideration Art. 353, may I read it out with your permission?

MR. CHAIRMAN: No, everybody has read it.

SHRIMATI RENUKA CHOWDHURY: In reference to Art. 19, you have taken away the right to protection of life and personal liberty. They are going to shoot any body tomorrow in Punjab. Will you allow the press to write about it in other States? Or are you going to extend the executive powers as under Art. 353 and prevent the press. I am seeking a clarification. I want to know how they are going to protect... (*Interruptions*) I tell you, I am concerned. We are talking of democracy. I just want to know, tomorrow you are removing Articles 19 and 21. पे क्या चीज होती है ... (व्यवधान)

MR. CHAIRMAN: Please don't interrupt. She will conclude according to her promise. उनकी बात खत्म करने दें ... (व्यवधान) आप लोग गड़बड़ करते हैं... (व्यवधान) आप जल्दी खत्म कर दीजिए।

[Mr. Chairman]

Don't repeat. You have already repeated three times.

SHRIMATI RENUKA CHOWDHURY: I want to know if the Press can write about it tomorrow if they are removing Art. 19 and 21.

MR. CHAIRMAN: That is your suggestion.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: This was circulated only at 3 o'clock.

MR. CHAIRMAN: No, no, I am not allowing you.

श्री बूटासिंह : जो दीपेन घोष जी ने अब्जेक्शन रेज किया है वह त... (व्यवधान)

It is well-known that Mr. Dipen Ghosh and his party are quite capable of misleading the people in the country. But I did not know that he would mislead this House also. He has conveniently not read the relevant portion. We are fighting disruptive forces there. He has only read half of the sentence that Art. 19 will be automatically suspended and he stopped at that. Why don't you read the full? May I read the full? It says:

> "....so as to provide for the automatic suspension of article 19 of the Constitution and the issuing of an order by the President suspending the operation of any of the other provisions contained in Part III (except article 20) under article 359, if and when a Proclamation of Emergency on the ground of internal disturbance is issued...."

SHRI DIPEN GHOSH: Obviously, after amending the Constitution, the Minister will seek Proclamation of Emergency.

SHRI BUTA SINGH: He is unnecessarily trying to create a confusion. By today's amendment, article 19 will not be suspended. Article 19 will be suspended only at the time when the Proclamation is made....

SHRI DIPEN GHOSH: Can you give an assurance....

SHRI BUTA SINGH:..declaring Emergency. There is no point of assurance; it is there in the Bill. Therefore what I am trying to say is, for that also, after every six months we will have to come to this House, this House will have to pass it by two-thirds majority and only then this provision can be applicable.

Coming to what the lady Member said, I am sorry she has cited article 353. There is no mention of article 353 in the whole Bill. Article 353 does not apply. This applies to article 352. Why should she read something which is not contained in the Bill? Therefore, it is all ill-founded, I should say, motivated. They want to confuse the people. It is not only ill-founded but it is misconceived, and I request madam to take back this misconceived concept.

MR. CHAIRMAN: I shall now put amendment Nos. 1 to 4 moved by Shri Buta Singh to vote. These are to be carried by a simple majority. The question is:

> 1. "That at page 2 lines 8-9 for the words 'any part of the territory of India,' the words 'the whole or any part of the territory of Punjab.' be substituted."
>
> 2. "That at page 2 Line 11, for the word 'India' the word 'Punjab' be substituted."
>
> 3. "That at page 2 Lines 17-18 for the words 'Any part of the territory of India' the words 'the whole or any part of the territory of Punjab', be substituted."
>
> 4. 'That at page 2 line 27 for the words 'any part of the territory of India' the words 'the whole or any part of the territory of Punjab', be substituted."

The motion was adopted.

MR. CHAIRMAN: I shall now put clause 3, as amended, to vote. Let the lobbies be cleared.

Now lobbies have been cleared. Good sense has prevailed. The question is:

> "That clause 3, as amended, stand part of the Bill."

The House divided.

MR. CHAIRMAN:

Ayes 157
Noes 51

AYES—157

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Antony, Shri A. K.
Arun Singh, Shri
Bagrodia, Shri Santosh
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basumatari, Shri Dharanidhar
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs,) Asima
Chaturvedi, Shri Bhuvnesh
Chowdhary Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayan-rao
Dhusiya, Shri Sohan Lal
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gopalan, Shri R. T.
Gupta, Shri Vishwa Bandhu
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M. F.
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamir, Shri S. C.
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Jayalalitha Jayaram, Miss
Jogi, Shri Ajit P. K.
Joshi, Shri Krishna Nand
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kamble, Prof. N. M.
Kaul, Shrimati Krishna
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Kulkarni, Shri A. G.
Kushnoor, Shri Veershetty Moglappa
Kuthiravattom, Shri Thomas
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Sri Yogendra
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Shri Mahendra Mohan

Mishra, Shri Sheo Kumar
Mittal, Shri Sat Paul
Mohapatra, Shri Basudeb
Mohanty, Shri Subas
Moopanar, Shri G. K.
Naik, Shri G. Swamy
Nalwa, Shri Hari Singh
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panicker, Shri K. Vasudeva
Panwar, Shri B. L.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Patil, Shrimati Pratibha Devisingh
Patil, Shrimati Suryakanta Jayawantrao
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsinghbhai Patali-yabhai
Ray, Shri Deba Prasad
Rayka, Shri Sagar
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Richaria, Dr. Govind Das
Rohtagi, Shrimati Sushila
Roshan Lal, Shri
Sahu, Shri Rajini Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sayeed Mufti Mohamad
Sharma, Shri A. P.
Sharma, Shri Chandan
Sharma, Dr. H. P.
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Thakur, Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit Prithvijit
Sukul, Shri P. N.
Swaminathan, Shri G.
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabaalu, Shri
Tiria, Kumari Sushila
Tiwari, Shri Narayan Datt
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Vaduthala, Shri T. K. C.
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

NOES—51

Advani, Shri Lal K.
Aladi Aruna, Shri *alias* V. Arunachalam
Ashwani Kumar, Shri
Aurora, Sardar Jagjit Singh
Baby, Shri M. A.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil

Bhattacharjee, Shri Nepaldev
Bhuyan, Shri Gaya Chand
Chakravarty, Shrimati Bijoya
Chatterjee, Shri Nirmal
Chaudhuri, Shri Tridib
Chautala, Shri Om Prakash
Chowdhury, Shrimati Renuka
Ghosh, Shri Dipen
Gopalan, Shri K.
Gopalsamy, Shri V.
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Goyal, Shri J. P.
Gurupadaswamy, Shri M. S.
Jaswant Singh, Shri
Kaldate, Dr. Bapu
Kar, Shri Narayan
Kushawaha, Shri Ram Naresh
Lakshmanna, Prof. C.
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.
Malaviya, Shri Satya Prakash
Mohanan, Shri K.
Mukherjee, Shrimati Kanak
Mukherjee, Shri Samar
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijay Mohan
Sen, Shri Sukomal
Singh, Shri Surender
Singh, Shri Vishwanath Pratap
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Vaghela, Shri Shanker Sinh
Vajpayee, Shri Atal Bihari
Verma, Shri Ashok Nath
Verma, Shri Virendra
Yadav, Shri Jagdambi Prasad
Yadav, Shri Sharad

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 3 as amended was added to the Bill

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

MR. CHAIRMAN: Ayes . 157
Noes .. 51

AYES—157

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Antony, Shri A. K.
Arun Singh, Shri
Bagrodia, Shri Santosh
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basumatari, Shri Dharanidhar
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar

Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chowdhary Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanrao
Dhusiya, Shri Sohan Lal
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gopalan, Shri R. T.
Gupta, Shri Vishwa Bandhu
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M. F.
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamir, Shri S. C.
Jamuda Shri Durga Prasad
Jani, Shri Jagadish
Jayalalitha Jayaram, Miss
Jogi, Shri Ajit P. K.
Joshi, Shri Krishna Nand
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh
Kamble, Prof. N. M.
Kaul, Shrimati Krishna
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Kulkarni, Shri A. G.
Kushnoor, Shri Veershetty Moglappa
Kuthiravattom, Shri Thomas
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mittal, Shri Sat Paul
Mohapatra, Shri Basudeb
Mohanty, Shri Subas
Moopanar, Shri G. K.
Naik, Shri G. Swamy
Nalwa, Shri Hari Singh
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panicker, Shri K. Vasudeva
Panwar, Shri B. L.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Patil, Shrimati Pratibha Devisingh
Patil, Shrimati Suryakanta Jayawantrao
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.

Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Rayka, Shri Sagar
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Richaria, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sayeed Mufti Mohamad
Sharma, Shri A. P.
Sharma, Shri Chandan
Sharma, Dr. H. P.
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Shukla, Shri Keshvprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit Prithvijit
Sukul, Shri P. N.
Swaminathan, Shri G.
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabaalu, Shri
Tiria, Kumari Sushila
Tiwari, Shri Narayan Datt
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Vaduthala, Shri T. K. C.
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

NOES—51

Advani, Shri Lal K.
Aladi Aruna, Shri *alias* V. Arunachalam
Ashwani Kumar, Shri
Aurora, Sardar Jagjit Singh
Baby, Shri M. A.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Bhattacharjee, Shri Nepaldev
Bhuyan, Shri Gaya Chand
Chakravarty, Shrimati Bijoya
Chatterjee, Shri Nirmal
Chaudhuri, Shri Tridib
Chautala, Shri Om Prakash
Chowdhury, Shrimati Renuka
Ghosh, Shri Dipen
Gopalan, Shri K.
Gopalsamy, Shri V.
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Goyal, Shri J. P.
Gurupadaswamy, Shri M. S.
Jaswant Singh, Shri
Kaldate, Dr. Bapu
Kar, Shri Narayan
Kushawaha, Shri Ram Naresh
Lakshmanna, Prof. C.
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.
Malaviya, Shri Satya Prakash
Mohanan, Shri K.
Mukherjee, Shrimati Kanak
Mukherjee, Shri Samar
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga

Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Sen, Shri Sukomal
Singh, Shri Surender
Singh, Shri Vishwanath Pratap
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Vaghela, Shri Shanker Sinh
Vajpayee, Shri Atal Bihari
Verma, Shri Ashok Nath
Verma, Shri Virendra
Yadav, Shri Jagdambi Prasad
Yadav, Shri Sharad

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1 the Enacting Formula and the Title were added to the Bill.

SHRI BUTA SINGH: Mr. Chairman, Sir, I beg to move:

"That the Bill, as amended, be passed."

The question was proposed.

MR. CHAIRMAN: Mr. Baby.

SHRI M.A. BABY (Kerala): Mr. Chairman, Sir, I stand to oppose the move of the Government to destroy whatever remains of democratic traditions in our country. Sir, I do not have any hope in this Government that even after having heard the solid arguments from the participants of the Opposition like Mr. Advani and comrade Samar Mukherjee and others they would change their opinion. The Government with its brute majority tried to bulldoze this authoritarian step. We are sure that the people of our country will give a fitting reply to the dictatorial measures of this Government as has been already indicated. It is not due to lack of any power that the ruling party at the Centre failed to tackle the terrorism in Punjab. If a powerful weapon is given to an invalid person that invalid person cannot use that powerful weapon. This Central Government is invalid in political will.

MR. CHAIRMAN: Now, please conclude.

SHRI M. A. BABY: This Central Government does not have the political will to tackle the terrorism and instead of it is coming out with a legislation which is aimed at cowing down the democratic forces in our country. I would appeal to the Central Government to consider at least at this stage to withdraw this authoritarian step so that democratic forces can mobilise themselves and an atmosphere can be created in Punjab and elsewhere to tackle the forces of terrorism. This Government is trying to take draconian measures in its hand not to tackle terrorism but to browbeat the democratic forces in our country. So I forcibly appeal to the Government to withdraw this Bill at least at this stage.

MR. CHAIRMAN: Mr. Upendra. Only two minutes please. You will always keep your word.

SHRI PARVATHANENI UPENDRA: Yes, Sir. Sir, this is a black day in the history of this country and its democracy and the way the ruling party has mobilised its Members including the Chief Ministers, people from the sick bed and even Members from abroad by abandoning you, Sir, in Mauritius shows how enthusiastic they are in putting the noose around the people of this country and also around themselves. But I am pretty sure that this measure also will not be able to solve the Punjab problem, rather it will further complicate. The way they are using this ultimate weapon in this battle against terrorism, if this also fails, God alone knows how we can save this country and God alone can save this Country. Even now I appeal to the hon Minister to withdraw the bill and also to the good sense of the many Members, who will be retiring next month, to do their last duty to this country and refrain from voting for this black Bill.

MR. CHAIRMAN: Now, I call upon the disciplined Member Shri Jaswant Singh.

SHRI JASWANT SINGH: Mr. Chairman, Sir, we come to the end of the debate. We have also come, so far as the

[Shri Jaswant Singh]

Government goes, to the end of its road. Unfortunately, for us it is the beginning of our concerns. I do wish to share with the hon. Home Minister that these questions of profound importance that Punjab has thrown up are not going to be answered legislatively. At a certain level, the questions that Punjab have 9.00 P.M. thrown up have proven that we are failing nationally to answer them. It is my hope and my prayer that this measure will never be utilised.....

और मैं प्रार्थना करूंगा कि अगर कभी, जब भी ऐसा अवसर आये और इसको इस्तेमाल करने का मौका पड़े तो ईश्वर आपको सदबुद्धि दे कि आप मदांध होकर इसका इस्तेमाल न करें। मैं यह गुरूर से नहीं कह रहा हूं। इसको आप मेरी गुरूर न समझिये। यह मेरी प्रार्थना होगी। मान्यवर, चूंकि it might be the end of the road for this Government but it is the beginnng of the concerns for us.

MR. CHAIRMAN: He has stood by this word as I said "disciplined" and now Mr. Aladi Aruna. Please follow the example of your colleague.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Sir, it is the blackest day in our democratic life. (*Interruptions*).. Why do you laugh? You are not ashamed of this position. I am very sorry for your position. Sir, the hon. Minister has come forward with an amendment. It may appear to be reasonable and convincing but it is a dangerous move because we are attempting to isolate the people of Punjab from the rest of India. We can isolate criminals, we can isolate terrorists, we can isolate anti-social elements, but we cannot isolate the common people of Punjab I remind you that during the freedom struggle, in the name of religion, we isolated the Muslims. That is why, India was divided. Now in the name of terrorism, in the name of unity and integrity of India, you are isolating the people of Punjab. You are sowing the seeds of disintegration. With this warning, I conclude my speech.

MR. CHAIRMAN: Very good (*Interruptions*)....

SHRI PARVATHANENI UPENDRA: Sir, we cannot associate ourselves with the passing of this black Bill.

(*At this sage, some hon. Members left the Chamber*).

श्री बूटा सिंह : आदरणीय सभापति जी, मुझे बहुत दुख के साथ कहना पड़ता है कि विरोधी दलों के कुछ नेताओं ने अभी-अभी इस विधेयक की तीसरी रीडिंग पर जो कुछ बातें कही हैं, वह हमारी पार्लियामेंटरी डेमोक्रेसी, एक ऐसा उदाहरण रहेगा कि जब हमें कहना पड़ेगा कि आज का दिन सचमुच ब्लैकेस्ट था, जब सुबह उन्होंने, उनके लोगों ने चुनी हुई सरकारों के लोगों ने मजदूरों को कारखाने में जाने से रोका, गाड़ियां रोकने का प्रयास किया गया, देशवासियों को कष्ट में डाला गया। जबकि एक विधिवत ढंग से चुनी हुई सरकारें, मुख्य मंत्री देश के विनाश की तरफ चले हुए, सचमुच आज की सुबह ब्लैकेस्ट थी और आज जिस ढंग से सदन में कल माननीय उपसभापति महोदय के साथ जो वायदा किया गया था, उस वायदे की धज्जियां उड़ाई गयीं और इस सदन की मानहानि की गयी, सदन की परम्पराओं का उलंघन किया गया ऐसा प्रदर्शन किया गया जिसे कि मैं मानता हूं कि फिर से ऐसा इस सदन में प्रदर्शन दोबारा देखना पड़े। अभी जो कुछ माननीय सदस्यों ने कहा वह कोई नयी बात नहीं कही। परन्तु हमारे अरूणा जी ने जो बातें कहीं है, वह बहुत शर्मनाक है। उन्होंने इस देश के देशभक्त लोगों के बारे में, इस देश में जितने भी सम्प्रदाय हैं, वे सब देश भक्त है। मसलमानों के बारे में, सिखों के बारे में जो शब्द उन्होंने कहे है, मैं उनका घोर खण्डन करता हूं और मैं यह कहता हूं कि हमारा देश एक सेकुलर देश है। उसमें सभी धर्मों के लोग एक भावना के साथ रहते हैं और देशभक्त हैं। यह अधिकार जो हम लेने जा रहे हैं, आज यह पंजाब के शान्तिप्रिय लोगों के लिये, पंजाब के देशभक्त लोगों के

संरक्षण के लिये लिया जा रहा है। और देश के शत्रुओं को खत्म करने के लिये लिया जा रहा है। मान्यवर, यहां सदस्यों ने जो भाव व्यक्त किये, उनसे ऐसा लग रहा था कि उनको पंजाब की परिस्थिति की गम्भीरता की सूचना ही नहीं मिली। मैं एक बात कहना चाहूंगा कि सरकार ने यह बहुत कठिन कदम आपके सामने पेश किया है। मेरी भी प्रार्थना है कि हमें कभी इस तरह का कठिन कदम न उठाना पड़े। हम व्यवस्था के साथ ही उपद्रवियों को खत्म करें, परन्तु जरूरत पड़े, तो हम अपने कर्त्तव्य से दूर भाग नहीं सकते। इसलिये इसका प्रावधान किया गया है। जब और जिस वक्त इसकी जरूरत पड़ेगी, इसका पूरा ध्यान रखा जायेगा कि जो पंजाब के लोग एक अपनी मिसाल है, देशभक्ति के रास्ते में सभी धर्मों के लोग, उनको किसी प्रकार की परेशानी न हो। ज्यादा से ज्यादा तत्परता के साथ, सावधानी के साथ देश के शत्रुओं के खिलाफ जब हम लड़ेंगे, तो वह हमारा पूरा साथ देंगे। इसलिये हम संविधान में यह संशोधन को लाये हैं और मैं विश्वास दिलाना चाहता हूं कि पंजाब के लोगों को हम हर प्रकार का समाधान देंगे, हर प्रकार की पूरी जिम्मेदारी के साथ और इस बात का पूरा ध्यान रखते हुए कि लोगों के हकों में दखल दिये बगैर हम देश के शत्रुओं का पूरा मुकाबला कर सके। मुझे खेद है कि आज कुछ पार्टियां भी जो इस बात को कहती हैं कि पंजाब के आतंकवादियों का विरोध किया जाय, एक राजनीतिक मंतव्य के लिये सदन को छोड़ कर गयी हैं।

अन्त में मैं प्रार्थना करता हूं कि इस विधेयक को पारित किया जाय।

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The House divided.

MR. CHAIRMAN: Ayes 157 ....

Noes Nil ....

AYES—157

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Antony, Shri A. K.
Arun Singh, Shri
Bagrodia, Shri Santosh
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basumatari, Shri Dharanidhar
Bekal Vtsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhetia, Shri Madan
Bhatt, Shri Jittndrabhai Labhashanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chowdhary Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanrao
Dhusiya, Shri Sohan Lal
Faguni Ram, Dr.
Fernandes, Shri John F
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gopalan, Shri R. T.
Gupta, Shri Vishwa Bandhu
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M. F.
Islam, Shri Baharul

Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamir, Shri S. C.
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Jayalalitha Jayaram, Miss
Jogi, Shri Ajit P. K.
Joshi, Shri Krishna Nand
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kaul, Shrimati Krishna
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Kulkarni, Shri A. G.
Kushnoor, Shri Veershetty Moglappa
Kuthiravattom, Shri Thomas
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mittal, Shri Sat Paul
Mohapatra, Shri Basudeb
Mohanty Shri Subas
Moopanar, Shri G. K.
Naik, Shri G. Swamy
Nalwa, Shri Hari Singh
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panicker, Shri K. Vasudeva
Panwar, Shri B. L.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Patil, Shrimati Pratibha Devisingh
Patil, Shrimati Suryakanta Jayawantrao
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Ratan Kumari Shrimati
Rathvakoli, Shri Ramsingbhai Pataliya-bhai
Ray, Shri Deba Prasad
Rayka, Shri Sagar
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Richaria, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sayeed, Mufti Mohamad
Sharma, Shri A. P.
Sharma, Shri Chandan

Sharma, Dr. H. P.
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Shukla, Shri Keshavprasad
Siddiqui, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit Prithvijit
Sukul, Shri P. N.
Swaminathan, Shri G.
Tariang, Shri Jerile. E.
Thakur Prof. Chandresh P.
Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabaalu, Shri
Tiria, Kumari Sushila
Tiwari, Shri Narayan Datt
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Vaduthala, Shri T. K. C.
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

NOES — NIL

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: Now, since you have all been working very hard, we may adjourn for half an hour for tea and we will re-assemble after that.

The House now stands adjourned for half an hour.

The House then adjourned at eleven minutes past four of the clock.

The House reassembled at forty-eight minutes past four of the clock, [**The Vice-Chairman (Shri Jagesh Desai**) in the chair].

THE BUDGET (RAILWAYS) 1988-89, *Contd.*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Ashwani Kumar.

श्री अश्वनी कुमार (बिहार) : माननीय उपसभाध्यक्ष महोदय, हमारे रेल मंत्री जी ने इस बार 622 करोड़ का नया टैक्स लगाया है। यह केवल रेल यात्रियों पर नया टैक्स लगाय है और रेल मंत्री कहते हैं, मैंने तो थोड़ा भार दिया है। इसको देखकर मुझे आश्चर्य होता है। जहां तक मेरी जानकारी है, हमारे पूरे बजट के अन्दर वित्त मंत्री जी ने जो नया अधिभार लगाया है, जो पहले एडमिनिस्टर्ड प्राइस मे रेल मंत्री पहले लगा चुके हैं, उसके पहले 545 करोड़ का ही अधिभार लगाया है, पर हमारे रेल मंत्री ने, जितना फाइनेंस मिनिस्टर टैक्स लगाते हैं, उससे ज्यादा टैक्स लगा दिया है। जो रेल को यूज करने वाली पब्लिक है, वह सारे देश की जनता का एक छोटा सा भाग है, जिसके ऊपर इस टैक्स को लगाया गया है। यह जो टैक्स लगा है, इसके लिये रेल मंत्री कहते हैं कि इसका कोई भार जनता पर विशेष नहीं पड़ेगा, परन्तु फ्रेट के ऊपर 241 करोड़ का नया टैक्स लगाया है। इसमें उन्होंने फूड ग्रेन्स और फर्टिलाइजर्स को छोड़ दिया, यह तो स्वागत योग्य है। लेकिन रेलवे जितना माल ढोती है उसके 17 प्रतिशत को छोड़कर 83 पर-सेन्ट पर उन्होंने टैक्स लगा दिया है।